

SENATE STATE AFFAIRS COMMITTEE

ADMINISTRATIVE RULES REVIEW

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2006 Legislative Session

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SENATE STATE AFFAIRS COMMITTEE

IDAPA 31 - PUBLIC UTILITIES COMMISSION

31.11.01 - SAFETY AND ACCIDENT REPORTING RULES FOR PUBLIC UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION

DOCKET NO. 31-1101-0501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Commission and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Commission has adopted a pending rule. The action is authorized pursuant to Sections 61-515 and 61-115, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, pages 556 and 557.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

DATED this 4th day of November, 2005.

Jean D. Jewell
Commission Secretary
Idaho Public Utilities Commission
472 W. Washington St. (83702-5983)
PO Box 83720
Boise, ID 83720-0074
Telephone: (208) 334-0338
FAX: (208) 334-3762

SENATE STATE AFFAIRS COMMITTEE

PUBLIC UTILITIES COMMISSION
Safety and Accident Reporting Rules for Public Utilities

Docket No. 31-1101-0501
PENDING RULE

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Idaho Public Utilities Commission has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 61-515 and 61-115, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2005.

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

The Commission's Safety and Accident Reporting Rules currently adopt by incorporation several national safety codes. In particular, Rule 201 adopts the federal safety regulations applicable to natural gas utilities and pipelines. This year the Pipeline and Hazardous Materials Safety Administration (PHMSA) made two changes to the federal pipeline safety regulations found at 49 C.F.R. Parts 192 and 195. Both changes implement portions of the Pipeline Safety Improvement Act of 2002. First, PHMSA promulgated new requirements for individuals who perform certain safety-related tasks on pipelines. In particular, the new requirements address personnel training, notice of training program changes, government review and verification of such programs, and use of on-the-job training as a qualification method. Second, PHMSA amended its safety regulations to require pipelines to develop and implement public awareness programs to promote pipeline safety. The Commission proposes to adopt these amended federal safety regulations by incorporation.

FEE SUMMARY: There are no fees associated with this proposed rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the proposed rule adopts federal safety regulations dealing with pipeline safety.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

Anyone may submit written comments regarding these proposed rules. All written comments concerning the proposed rules must be delivered to the Commission Secretary at the address identified below or must be postmarked on or before October 26, 2005.

SENATE STATE AFFAIRS COMMITTEE

PUBLIC UTILITIES COMMISSION
Safety and Accident Reporting Rules for Public Utilities

Docket No. 31-1101-0501
PENDING RULE

DATED this 19th day of August, 2005.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

201. FEDERAL REGULATIONS -- 49 C.F.R. PARTS 191, 192, 193, 195 AND 199 (RULE 201).

The Commission adopts by reference Parts 191, 192, 193, 195, and 199, Title 49, the Code of Federal Regulations (October 1, 2004~~5~~), except that federal accident reporting requirements contained in the rules adopted by reference in Rule 201 are replaced for state reporting purposes by orders of the Commission or rules of the Commission. These regulations are found in the Code of Federal Regulations, available from the, U.S. Government Printing Office, Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954. The incorporated CFR Parts are also available in electronic format at www.access.gpo.gov/nara. All gas and pipeline corporations subject to the Commission's jurisdiction are required to abide by applicable provisions of these federal regulations adopted by reference. ~~(4-6-05)~~(____)

SENATE STATE AFFAIRS COMMITTEE

IDAPA 31 - PUBLIC UTILITIES COMMISSION

31.21.01 - CUSTOMER RELATIONS RULES FOR GAS, ELECTRIC AND WATER PUBLIC UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION (THE UTILITY CUSTOMER RELATIONS RULES)

DOCKET NO. 31-2101-0402

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Commission and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Commission has adopted a pending rule. The action is authorized pursuant to Sections 61-302, 61-303, 61-307, 61-503, 61-507, and 61-515, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The Commission is adopting the proposed changes to Rules 311, 701, and some portions of Rule 306 as pending rules. The complete text of these three (3) Rules was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, pages 558 through 562.

Based upon comments received, the Commission clarifies the proposed change to Rule 305.02 as applying to residential customers only. The Commission decided not to change Rule 306 to expand the winter moratorium eligibility to include residential customers receiving Low Income Heating Assistance Program (LIHEAP) benefits. The Commission found that expanding moratorium eligibility to include LIHEAP recipients would significantly alter the moratorium's focus on public health and safety and might result in larger unpaid balances for customers as well as larger utility uncollectibles. The Commission also declined to adopt the proposed change to Rule 306.06 to eliminate the current monetary restrictions on when a customer may participate in a winter payment plan. The Commission clarifies that Rule 306.06 applies to residential customers. The text of pending Rules 305 and 306, which have been amended in accordance with Section 67-5227, Idaho Code, is printed in this bulletin.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, pages 558 through 562.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

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PUBLIC UTILITIES COMMISSION
The Utility Customer Relations Rules

Docket No. 31-2101-0402
PENDING RULE

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Beverly Barker, at (208) 334-0302.

DATED this 9th day of November, 2005.

Jean D. Jewell
Commission Secretary
Idaho Public Utilities Commission
472 W. Washington St. (83702-5983)
PO Box 83720
Boise, ID 83720-0074
Telephone: (208) 334-0338
FAX: (208) 334-3762

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Idaho Public Utilities Commission has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 61-302, 61-303, 61-307, 61-503, 61-507, and 61-515, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this proposed rule will be held on:

Wednesday, October 19, 2005 at 7 p.m.
Commission's Hearing Room
472 W. Washington Street, Boise, Idaho
(208) 334-0300

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

In July 2004 the Idaho Community Action Network (ICAN) filed a Petition for Rulemaking recommending that the Commission adopt six (6) proposed changes to its Utility Customer Relations Rules and adopt one (1) new rule. In response to ICAN's Petition, the Commission initiated a negotiated rulemaking. The Commission Staff conducted public workshops in Boise and in Coeur d'Alene, Idaho, to discuss ICAN's proposed changes. Parties participating in the negotiated rulemaking included ICAN, Idaho Power Company, PacifiCorp, Avista Utilities, Intermountain Gas, the Community Action Partnership

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The Utility Customer Relations Rules***Docket No. 31-2101-0402***
PENDING RULE

Association of Idaho (CAPAI), the Idaho Office for Refugees, Idaho Legal Aid, the North Idaho Community Action Agency, and the Commission Staff.

The workshops and subsequent conversations among the parties did not result in consensus. After reviewing the ICAN proposals, the existing rules and the workshop discussions, the Commission now proposes several changes to the Utility Customer Relations Rules. First, the Commission proposes changes to Rule 305 regarding the contents of the notices that utilities are required to give customers before terminating service during the three (3) months of the winter moratorium (December, January and February). During the winter moratorium, utilities are prohibited from terminating natural gas or electric heating service for residential household customers with children, elderly or infirm persons. Second, the proposed changes to Rule 306 would amend the eligibility requirements and the operation of the winter moratorium. Proposed Rule 306.01 would expand moratorium eligibility to include households receiving financial assistance through the Low-Income Home Energy Assistance Program (LIHEAP) during the current program year. Customers who participate in the winter payment plan (payments equal to one-half (1/2) of the annual level pay plan) may participate in successive years of the winter payment plan. Eligible customers participating in the moratorium may maintain their participation if they move to another residence during the three (3) months and utilities shall be required to turn on service at the new residence.

Third, existing Rule 311.01 prohibits the termination of utility services on Saturday, Sunday, a legal holiday, or after 2 p.m. on any Friday or on any day immediately preceding any legal holiday. The Commission proposes to amend this rule by prohibiting disconnection on any day immediately preceding a holiday and moving the 2 p.m. threshold on Friday to 12 noon. Fourth, Rule 701 would be clarified by listing the required contents of the annual summary of rules that utilities provide to each customer. Finally, Rule 701.04 would require that the Commission provide utilities with a “model” of the annual summary of rules including a Spanish language model. The Commission also proposes other changes to clarify these rules.

FEE SUMMARY: There are no fees associated with this proposed rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. The Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, October 6, 2004 in Volume 04-10 at page 475.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Beverly Barker at (208) 334-0302.

Anyone may submit written comments regarding these proposed rules. All written comments concerning the proposed rules must be delivered to the Commission Secretary at the address identified below or must be postmarked on or before October 26, 2005.

SENATE STATE AFFAIRS COMMITTEE

PUBLIC UTILITIES COMMISSION
The Utility Customer Relations Rules

Docket No. 31-2101-0402
PENDING RULE

DATED this 19th day of August, 2005.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

305. CONTENTS OF NOTICE OF INTENT TO TERMINATE SERVICE (RULE 305).

01. Contents of Notice. The written or oral notice of intent to terminate service required by Rule 304 shall state: (7-1-93)(____)

01a. ~~Reasons for Termination.~~ The reason(s), citing these rules, why service will be terminated and the proposed date of termination; (7-1-93)(____)

02b. ~~Actions to Avoid Termination.~~ Actions the customer may take to avoid termination of service; (7-1-93)(____)

03c. ~~Medical Certificate.~~ That a certificate notifying the utility of a serious illness or medical emergency in the household may delay termination as prescribed by Rule 308; (7-1-93)(____)

04d. ~~Filing Complaints.~~ That an informal or formal complaint concerning termination may be filed with the utility or the Commission, and that service will not be terminated on the ground relating to the dispute between the customer and the utility before resolution of the complaint (the Commission's address and telephone number must be given to the customer); and (7-1-93)(____)

05e. ~~Payment Arrangements.~~ That the utility is willing to make payment arrangements (this statement must be in bold print on written notices). (7-1-93)(____)

06f. ~~Partial Payments.~~ That for purposes of termination, partial payments will be applied toward utility service charges first, unless the customer requests otherwise, and that charges for non-utility services cannot be used as a basis for termination. (3-30-01)(____)

02. Additional Requirements for Gas and Electric Utilities. During the months of November, December, January and February, oral and written notices provided by gas and electric utilities *to residential customers* shall include or be accompanied by an explanation of restrictions on termination of service and the availability of the Winter Payment Plan described in Rule 306. (____)

306. TERMINATION OF RESIDENTIAL GAS AND ELECTRIC SERVICE -- WINTER PAYMENT PLAN (RULE 306).

01. Restrictions on Termination of Service to Households With Children, Elderly,

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Docket No. 31-2101-0402
PENDING RULE

or Infirm. Except as provided in Rule 303, no gas or electric utility may terminate service or threaten to terminate service during the months of December through February to any residential customer who declares that he or she is unable to pay in full for utility service and whose household includes children, elderly or infirm persons. (7-1-93)

02. Definitions for This Rule. For purposes of this rule: (7-1-93)

a. “Children” ~~are defined as~~ means persons eighteen (18) years of age or younger, but customers who are emancipated minors are not children under this rule. (7-1-93)(____)

b. “Elderly” ~~are defined as~~ means persons sixty two (62) years of age or older. (7-1-93)(____)

c. “Infirm” ~~are defined as~~ means persons whose physical health or safety would be seriously impaired by termination of utility service. (7-1-93)(____)

03. Opportunity to Participate in Winter Payment Plan. Any residential customer who declares that he or she is unable to pay in full for utility service and whose household includes children, elderly or infirm persons ~~must~~ shall be offered the opportunity to establish a Winter Payment Plan. However, no customer may be required to establish such a plan. Except as provided in Rule 303, no gas or electric utility may terminate service during the months of November through March to any customer who establishes a Winter Payment Plan before November 1. A customer may establish a Winter Payment Plan after November 1, but the extended protection from termination of service offered under such a plan will not begin until the date the plan is established. Failure of a participating customer to make payments as required will result in cancellation of the plan and elimination of the extended protection from termination of service offered under the plan. The customer may use any source of funds to satisfy the payment requirements of Winter Payment Plan. (7-1-93)(____)

04. Amount of Payments Under Winter Payment Plan. Monthly payments under a Winter Payment Plan are equal to one-half (1/2) of the Level Pay Plan amount for that customer. The Level Payment Plan amount ~~must~~ shall be calculated according to Rule 313.06. (7-1-93)(____)

05. Payment Arrangements Following Winter Payment Plan. If a customer who received the protection of this rule has an outstanding balance owed to the utility, the customer ~~must~~ shall either pay this balance or negotiate a new payment arrangement; (7-1-93)(____)

a. On or after March 1, if the customer has not established a Winter Payment Plan; or (7-1-93)

b. On or after April 1, if the customer has established a Winter Payment plan. Failure of a customer to pay or make payment arrangements on or after these dates may result in termination of service. (7-1-93)

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PUBLIC UTILITIES COMMISSION The Utility Customer Relations Rules

Docket No. 31-2101-0402
PENDING RULE

06. Successive Participation in Winter Payment Plan. A residential customer who participates in a Winter Payment Plan one (1) year ~~must~~ shall be allowed to participate in succeeding years if the customer has honored the payment arrangements and the balance owing as of November 1 does not exceed seventy-five dollars (\$75) or the customer's utility bill for the previous thirty (30) days, whichever is greater. ~~However, the utility is not required to connect or reconnect the service of a customer or applicant who does not currently have utility service and owes an unpaid, undisputed bill to the utility.~~ (7-1-93)(____)

07. Unoccupied Residences, ~~Etc~~ - Failure or Refusal to Apply for Service. Nothing in this rule prevents a gas or electric utility from terminating service to unoccupied residences or residences where the occupants have failed or refused to apply for utility service. ~~Nothing in this rule requires the utility to connect service for a customer who owes money on an existing account when that customer moves to a new residence that does not currently have service.~~ (7-1-93)(____)

08. Customers Who Move. During the months of December, January and February, a gas or electric utility shall continue to provide service to any residential customer who made a declaration as provided for in Subsection 306.01 and subsequently moves to a new residence served by the same utility, regardless of any outstanding balance owed by the customer. If service is not connected at the new residence, service shall be connected as soon as possible after the customer requests service at the new residence. (____)

09. Applicants Previously Served. During the months of December, January and February, a gas or electric utility shall provide service to any residential applicant who made a declaration as provided for in Subsection 306.01 and within thirty (30) days of discontinuing service, subsequently applies for service at a new residence served by the same utility, regardless of any outstanding balance owed by the applicant. If service is not connected at the new residence, service shall be connected as soon as possible after the applicant requests service at the new residence. (____)

(BREAK IN CONTINUITY OF SECTIONS)

311. RESTRICTIONS ON TERMINATION OF SERVICE -- OPPORTUNITY TO AVOID TERMINATION OF SERVICE (RULE 311).

01. When Termination Not Allowed. Service shall not be terminated on any Friday after ~~12 p.m.~~ noon, or on Saturday, Sunday, legal holidays recognized by the State of Idaho, or ~~after 2 p.m.~~ on any day immediately preceding any legal holiday, or at any time when the utility is not open for business, except as authorized by Rules 303.01 and 303.02. Service may be terminated between the hours of 4 p.m. and 9 p.m., Monday through Thursday, if the utility is unable to gain access to the customer's meter during normal business hours. Unless otherwise authorized by this rule, Rules 303.01 and 303.02, or the affected customer in writing, service may be terminated only between the hours of 8:00 a.m. and 4:00 p.m. (5-3-03)(____)

02. Personnel to Authorize Reconnection. Each utility shall have personnel

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**Docket No. 31-2101-0402
PENDING RULE**

available after the time of termination who are authorized to reconnect service if the conditions cited as grounds for termination are corrected to the utility's satisfaction. Service shall be reconnected as soon as possible, but no later than twenty-four (24) hours after the utility's conditions are satisfied and the customer requests reconnection. (5-3-03)

03. Opportunity to Prevent Termination of Service. Immediately preceding termination of service, the employee designated to terminate service shall identify himself or herself to the customer or other responsible adult upon the premises and shall announce the purpose of the employee's presence. This employee shall have in his or her possession the past due account record of the customer and shall request any available verification that the outstanding bills are satisfied or currently in dispute before this Commission. Upon presentation of evidence that outstanding bills are satisfied or currently in dispute before this Commission, service shall not be terminated. The employee shall be authorized to accept full payment, or, at the discretion of the utility, partial payment, and in such case shall not terminate service. Nothing in this rule prevents a utility from proceeding with termination of service if the customer or other responsible adult is not on the premises at the time of termination. (5-3-03)

04. Notice of Procedure for Reconnecting Service. The employee of the utility designated to terminate service shall give to the customer or leave in a conspicuous location at the service address affected a notice showing, the time of and grounds for termination, steps to be taken to secure reconnection, and the telephone numbers of utility personnel or other authorized representatives who are available to authorize reconnection. (5-3-03)

05. No Termination While Complaint Pending. Except as authorized by order of the Commission or of the Judiciary, service shall not be terminated for failure to pay amounts in dispute while a complaint filed pursuant to Rule 402 is pending before this Commission or while a case placing at issue payment for utility service is pending before a court in the state of Idaho. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

701. SUMMARY OF RULES (RULE 701).

01. Summary to Be Provided to Customers. Each utility ~~must make available~~ shall provide to its customers a summary of this chapter approved by the Commission. The summary shall be provided to customers at least once each year and must be available at local offices of the utility in Idaho and provided to each new customer upon commencement of service. (____)

02. Contents of Summary. The summary ~~sent by gas and electric utilities must~~ shall include ~~or be accompanied by information explaining the Third Party Notification Program described in Rule 307 and a~~ the following information: (____)

- a.** An explanation of the conditions under which the utility may request a deposit: (____)

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Docket No. 31-2101-0402
PENDING RULE

b. An explanation of the conditions under which the utility may deny or terminate service; ()

c. An explanation of how termination of service may be postponed due to serious illness or medical emergency (residential customers only); ()

d. A statement of the utility's willingness ~~pursuant to Rule 311~~ to make payment arrangements to assist customers having difficulty paying their utility bills; ~~Foreign language summaries of the rules~~ ()

e. An explanation of how to file a complaint with the utility and the Commission; and ()

f. A statement that termination of service is prohibited while a complaint is pending with the Commission or with a court in the State of Idaho. ()

03. Summary for Gas and Electric Customers. The summary provided by a gas or electric utility also shall include the following information: ()

a. An explanation of restrictions on termination of service and the availability of the Winter Payment Plan described in Rule 306 (residential customers only). ()

b. An explanation of the Third Party Notification Program described in Rule 307 (residential customers only); and ()

c. An explanation of the availability of the Level Pay Plan described in Rule 313. ()

04. Model Summaries. Model Rules Summaries, including Spanish language translations for residential customers, shall be provided by the Commission to ~~the utilities must be made available to customers, civic organizations, etc., on~~ and other interested parties upon request. (7-1-93)()

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IDAPA 31 - PUBLIC UTILITIES COMMISSION

31.61.01 - RULES FOR THE MEASUREMENT OF STRAY CURRENT OR VOLTAGE (THE STRAY VOLTAGE RULES)

DOCKET NO. 31-6101-0501 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is **December 7, 2005**. This pending rule has been adopted by the Commission and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that the Commission has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section 61-803, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The Commission's Stray Voltage Rules standardize the measurement and testing procedures used to measure stray voltage and current at dairy farms. Idaho Power Company recommended four (4) changes to the proposed rules. First, Idaho Power suggested that Rule 71 be amended so that the testing utility is permitted to conduct the six (6) stray voltage tests in any sequence. Second, the Company proposed that Rule 71 be amended to allow the stray voltage investigation be suspended or limited in instance where the testing utility and the dairy producer agree in writing. Third, Idaho Power suggested changing Rule 74 to reduce the duration of Test 2 (the forty-eight (48) hour test) in instances where it is clearly determined that the utility must conduct remediation for stray voltage or current. The Commission Staff, the Idaho Dairymens' Association and the Milk Producers of Idaho all supported the changes including a clarification to Rule 71.03. The Commission adopted the recommended changes.

Idaho Power also recommended changing Rule 75 that requires the utility to conduct stray voltage measurements within three quarters (3/4) of a mile on either side of all primary service points and "on all branch lines encountered within this specific distance". Idaho Power recommended reducing the testing distance to one half (1/2) mile and deleting the testing of branch lines. The dairy organizations and the Staff supported deletion of the branch line testing but opposed the distance reduction. The Commission amended Rule 75 to delete the testing of "branch lines" but declines to reduce the area subject to testing.

As set out above, the text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Commission amends the temporary rule with the same revisions which have been made to the pending

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The Stray Voltage Rules***Docket No. 31-6101-0501 (New Chapter)***
PENDING RULE

rule. Only the sections that have changes different from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the September 7, 2005 Idaho Administrative Bulletin, Volume 05-9, pages 267 through 300.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule and the amendment to the temporary rule, contact Donald L. Howell, II, Deputy Attorney General, (208) 334-0312.

DATED this 26th day of October, 2005.

Jean D. Jewell, Commission Secretary
Idaho Public Utilities Commission
PO Box 83720, Boise, ID 83720-0074
Telephone: (208) 334-0338
Facsimile: (208) 334-3762

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is September 14, 2005.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that the Commission has adopted a temporary rule and initiated proposed rulemaking procedures. This action is authorized pursuant to Section 61-803, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this proposed rule will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, but not later than September 21, 2005.

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In March 2005, the Idaho Legislature passed and the Governor signed the Stray Current and Voltage Remediation Act codified at Title 61, Chapter 8, Idaho Code. “Stray voltage” is a natural phenomenon that can be found at low levels in areas where electricity is grounded. All electrical systems – including a dairy producer’s on-farm system and a utility’s distribution system – must be grounded to the earth as required by various safety codes to ensure continuous safety and reliability. Inevitably, some current flows through the earth at

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each point where the electrical system is grounded and a small voltage develops. When a portion of this voltage is measured between two objects that may be simultaneously contacted by a dairy cow, it is frequently called “stray voltage”. Stray voltage is not electrocution and is not direct current, ground currents, electromagnetic fields (EMFs), or earth currents.

These rules standardize the measurement and testing procedures used to measure stray voltage and current. The Commission has temporarily adopted and is proposing six (6) tests to detect and measure stray voltage. The rules also prescribe qualifications for those conducting and analyzing the tests. The rules include forms for investigators to use when gathering voltage and current data at a dairy. Pursuant to Section 61-803, Idaho Code, only tests and measurements made in compliance with these rules shall be admissible before the Commission or in any civil action.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a, b, c), Idaho Code, the Governor approved the Legislature’s finding that temporary adoption of this rule is appropriate for the following reasons:

Section 61-803, Idaho Code, requires that the Commission promulgate temporary and proposed rules establishing uniform measurement procedures within six (6) months of the effective date of the Stray Current and Voltage Remediation Act. The Act became effective March 28, 2005. Pursuant to Section 61-801, Idaho Code, the Legislature found and the Governor concurred that the “efficient and safe distribution of electricity is critical to the well-being of the citizens and the economy of the state, including the business of agriculture, and that [enactment of the Stray Current and Voltage Remediation Act] is necessary for the protection of the public welfare and benefit”. The Act confers benefits on both electric utilities and dairy producers.

FEE SUMMARY: There is no fee associated with these rules.

FISCAL IMPACT: There is no adverse fiscal impact on the State General Fund.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. The Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, May 4, 2005 in Volume 05-5 at page 107. Parties participating in the negotiated rulemaking included Idaho Power Company, the Milk Producers of Idaho, the Idaho Dairymen’s Association, and Commission Staff.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 28, 2005.

DATED at Boise, Idaho this 28th day of July 2005.

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THE FOLLOWING IS THE TEXT OF THE PENDING RULE

IDAPA 31
TITLE 61
CHAPTER 01

31.61.01 - RULES FOR THE MEASUREMENT OF STRAY CURRENT OR VOLTAGE
(THE STRAY VOLTAGE RULES)

RULES 0 THROUGH 11 -- GENERAL PROVISIONS

000. LEGAL AUTHORITY (RULE 0).

These rules are promulgated pursuant to the authority of the Idaho Public Utilities Law, Sections 61-515 and 61-520, Idaho Code, and the Stray Current and Voltage Remediation Act, Section 61-803, Idaho Code. (9-14-05)T

001. TITLE AND SCOPE (RULE 1).

01. Title. The title of these rules is the IDAPA 31.61.01 - "Rules for the Measurement of Stray Current or Voltage" (Stray Voltage Rules). (9-14-05)T

02. Scope. These rules are applicable to dairy producers, public utilities and all persons or entities involved in any way in the measurement or remediation of stray current or voltage within Idaho. (9-14-05)T

002. WRITTEN INTERPRETATIONS -- AGENCY GUIDELINES (RULE 2).

The Supervisor of the Commission's Engineering Section is authorized to make and give informal interpretations of these rules. Written interpretations to these rules are maintained by the Commission Secretary. The Commission Secretary may be contacted in writing at the Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074, or may be reached by telephone at (208) 334-0300. The Commission reserves to itself the authority to issue formal declaratory orders construing these rules. (9-14-05)T

003. ADMINISTRATIVE APPEALS (RULE 3).

There are no provisions for administrative appeals within the Commission under these rules. (9-14-05)T

004. INCORPORATION BY REFERENCE -- REFERENCE TO SAFETY CODES (RULE 4).

01. Safety Codes. These rules reference two (2) national safety codes. (9-14-05)T

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a. The National Electrical Safety Code (NESC) is applicable to public utilities and is adopted by the Commission in IDAPA 31.11.01, "Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission". (9-14-05)T

b. The National Electrical Code (NEC) is applicable to the installation of wires and facilities used to convey electric current and to apparatus to be operated by such electric current. Adoption of the National Electrical Code is found at Section 54-1001, Idaho Code, and IDAPA 07.01.06, "Rules Governing the Use of National Electrical Code," Section 011. (9-14-05)T

005. OFFICE -- OFFICE HOURS -- MAILING, ELECTRONIC AND STREET ADDRESSES (RULE 5).

01. Office Hours. The principal office of the Commission is in Boise, Idaho. This office is open from 8 a.m. to 5 p.m. except Saturday, Sunday and legal holidays. The Commission's telephone number is (208) 334-0300. The hearing or speech impaired may reach the Commission through the Idaho Telecommunications Relay Service by dialing 711. (9-14-05)T

02. Mailing and Street Addresses. The Commission's mailing address is: Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074. The street address for the Commission is: 472 West Washington Street, Boise, Idaho 83702-5983. All documents filed in all proceedings under these rules must be filed with the Commission at one (1) of these addresses. (9-14-05)T

03. Electronic Address. The Commission's electronic address for its Internet homepage is: www.puc.idaho.gov. (9-14-05)T

006. PUBLIC RECORDS ACT COMPLIANCE (RULE 6).

Unless specifically exempted from public disclosure by the Public Records Act, Title 9, Chapter 3, Idaho Code, all materials filed with the Commission pursuant to these rules are presumed to be public documents subject to inspection, examination and copying. Whenever a party believes that information contained in pleadings or other documents are trade secrets, confidential or otherwise exempt from public disclosure, the attorney of such party must state in writing that the information is protected by law from public inspection, examination or copying, citing the specific grounds and legal authority for that assertion. The Commission will treat confidential information in compliance with IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission," Section 067. (9-14-05)T

007. LIBERAL CONSTRUCTION (RULE 7).

These rules will be liberally construed to secure just, speedy and economical determination of all issues presented to the Commission. (9-14-05)T

008. PRACTICE AND PROCEDURES -- FORMS (RULE 8).

All proceedings under these rules will be conducted in accordance with IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission". Forms used for recording voltage or current measurements under these rules appear in the Appendices. Subject to prior approval by the Commission, spreadsheets or electronic forms in substantially similar format and containing

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all relevant data may be used. Calculations may be automated as part of these electronic forms.
(9-14-05)T

009. ABBREVIATIONS (RULE 9).

Abbreviations or acronyms used in these rules are defined where they appear. (9-14-05)T

010. DEFINITIONS (RULE 10).

01. Adequate Remediation. Means corrective action taken by a utility which results in, and is reasonably likely to sustain, a reduction of stray current or voltage attributable to the utility's distribution system to a measured level that is fifty percent (50%) or less of the preventive action level. (9-14-05)T

02. Ampere. A unit of measure of current. A milliamperere is one-one thousandths (1/1,000) of an ampere. (9-14-05)T

03. Commission. Means the Idaho Public Utilities Commission. (9-14-05)T

04. Cow Contact Points. Means any two (2) points on electrically conductive materials in a dairy which a dairy cow may (in its normal environment on the dairy) unavoidably and simultaneously contact. Electrically conductive material may include the surface(s) that the cow is standing on as one (1) or both cow contact points. (9-14-05)T

05. Equipotential Plane (EPP). Means an area where wire mesh or other conductive elements are imbedded in or placed under concrete, bonded to all metal structures and fixed nonelectrical equipment that may become energized, and connected to the electrical grounding system to prevent a difference in voltage from developing within the plane. (9-14-05)T

06. Preventive Action Level (PAL). Stray current or voltage that, when correctly measured, is either: (9-14-05)T

a. A steady state, root mean square (rms) alternating current (AC) of two (2) milliamperes (mA) or more through a five hundred (500) ohm resistor (i.e., shunt resistor) connected between cow contact points, as measured by a true rms meter, or; (9-14-05)T

b. Any steady state, rms AC voltage of one (1.0) volt or more across (in parallel with) a five hundred (500) ohm resistor (i.e., shunt resistor) connected between cow contact points, as measured by a true rms meter. (9-14-05)T

07. Primary System. A term that describes the high voltage utility electrical system including the generation, transmission and distribution systems. It also refers to the high voltage side of a distribution transformer. (9-14-05)T

08. Secondary System. Means the low-voltage utility electrical system on the secondary side of a distribution transformer. The dairy's on-farm system begins on the dairy's side of the metering points, except for dairies metered on the high voltage side of the transformer(s). In the case of dairies metered on the high voltage side, the on-farm system begins at the

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transformer's low-voltage lugs. (9-14-05)T

09. Service Provider. Means any person, company or other legal entity providing stray voltage or current testing, consulting, measurements, analysis services, construction, or hardware. (9-14-05)T

10. Shunt Resistor. A physical resistor or combination of resistors used to simulate a dairy cow during the measurement of cow contact voltage. As used in these rules, a shunt resistor shall be five hundred (500) ohm plus or minus two percent (+/- 2%). (9-14-05)T

11. Source Resistance. Means that portion of resistance in the circuit, other than the resistance of the cow, when the cow is completing a circuit between contact points. Body-to-metal contact resistance and hoof-to-earth resistance may represent a portion of the source resistance. (9-14-05)T

12. Steady State. The value of a current or voltage after an amount of time has passed where all transients have decayed to a negligible value. (9-14-05)T

13. Stray Current or Voltage. Stray voltage or current is: (9-14-05)T

a. Any steady state, sixty (60) hertz (Hz) (including harmonics thereof) root mean square (rms) alternating current (AC) less than twenty (20) milliamperes (mA) through a five hundred (500) ohm resistor (i.e., shunt resistor) connected between cow contact points, as measured by a true rms meter; or (9-14-05)T

b. Any steady state, sixty (60) Hz (including harmonics thereof), rms AC voltage of less than ten (10) volts, across (in parallel with) a five hundred (500) ohm resistor (i.e., shunt resistor) connected between cow contact points, as measured by a true rms meter. (9-14-05)T

c. Stray current and voltage is a normal, inherent and unavoidable result of electricity traveling through grounded electrical systems, including a dairy producer's on-farm system and a utility's distribution system. These systems are required by the National Electrical Code (NEC) and the National Electrical Safety Code (NESC) to be grounded to the earth to ensure safety and reliability. (9-14-05)T

d. Unless the context otherwise requires, the term "stray voltage" shall mean stray current or stray voltage. (9-14-05)T

14. Tests, Measurements, Procedures and Analysis. Means any or all of the stray voltage testing, measurement, work and work product defined in these rules. (9-14-05)T

15. Transient. Transient or transient deviation means a non-steady state increase or spike in voltage or current. For the purpose of identifying and reporting transients in cow contact voltage (Vcc) or current (Icc), a transient occurs when the recorded maximum Vcc or Icc in a recording interval exceeds two hundred percent (200%) of the steady state Vcc or Icc recorded during the same recording interval. (9-14-05)T

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- 16. Utility.** Means a public electric utility as defined in Section 61-332A, Idaho Code.
(9-14-05)T

011. PURPOSE OF RULES -- CONFORMANCE TO ELECTRICAL CODE (RULE 11).
These rules standardize the measurement and testing procedures used to measure stray voltage and current. Standardization of testing will provide a consistent basis for determining the presence and level of stray voltage in a dairy and how to determine the source of that stray voltage or current. These rules do not replace existing safety standards embodied in electrical codes. Any conflict between these rules and the National Electrical Code or the National Electrical Safety Code shall be promptly brought to the attention of the Commission. Under these rules, testing is intended to determine:
(9-14-05)T

01. Presence of Stray Voltage. The presence and amount of any stray voltage or current within the dairy.
(9-14-05)T

02. Sources of Stray Voltage. The source(s) of any stray voltage or current detected.
(9-14-05)T

03. Contributions to Stray Voltage. The percent contribution from the utility side and the dairy side of the dairy service entrance to the total stray voltage or current measured on the dairy.
(9-14-05)T

012. -- 020. (RESERVED).

RULES 21 THROUGH 30 -- APPLICABILITY AND ADMISSIBILITY

021. UTILITY (RULE 21).

A utility measuring or testing for stray voltage or current at the request of a dairy producer, as directed by the Commission or on its own initiative, shall conduct such measurements in accordance with these rules.
(9-14-05)T

022. DAIRY PRODUCER (RULE 22).

01. Serving Notice on the Utility. A dairy producer providing written notice to a utility pursuant to Section 61-804, Idaho Code, shall specify why the dairy producer believes its dairy cows are being affected by electrical energy attributable to the utility. A dairy producer may provide such notice with or without first having conducted tests or measurements of stray voltage.
(9-14-05)T

02. Cooperation. When a written notice is filed with the utility, the dairy is obligated to make any contact point(s), service panels, grounding rods or other electrical equipment at the dairy available to the utility for measuring and testing. The utility shall provide reasonable notice and cooperate with the dairy producer to establish an appropriate time to conduct the tests and measurements. The dairy shall cooperate with the utility so that all tests and measurements necessary to identify the existence and magnitude of stray current or voltage, if any, are

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completed within fourteen (14) days of the utility's receipt of such notice. (9-14-05)T

023. SERVICE PROVIDERS (RULE 23).

Any person performing any stray voltage measurement or test on behalf of a utility or a dairy shall be deemed a service provider and shall follow these rules. (9-14-05)T

024. ADMISSIBILITY (RULE 24).

Only tests and measurements made in compliance with these rules shall be admissible before the Commission or in any civil action. (9-14-05)T

025. -- 030. (RESERVED).

RULES 31 THROUGH 40 -- QUALIFICATIONS OF PERSONS PERFORMING AND ANALYZING RESULTS OF STRAY VOLTAGE TESTS

031. PERFORMANCE OF TESTS AND MEASUREMENTS (RULE 31).

Measuring and testing for stray voltage under these rules for consideration by the Commission shall be performed by a qualified testing professional. The following persons are presumed to be qualified testing professionals: (9-14-05)T

01. Professional Engineer. A professional engineer, licensed in any state, who has completed no fewer than forty-eight (48) hours of Commission-approved stray voltage training and who has been involved in no fewer than five (5) prior investigations involving the measurement or testing of stray voltage. (9-14-05)T

02. Master Electrician. A master electrician, licensed in any state, who has completed no fewer than forty-eight (48) hours of Commission-approved stray voltage training and who has been involved in no fewer than five (5) prior investigations involving the measurement or testing of stray voltage. (9-14-05)T

03. Technician. A technician who, under the supervision of a person presumed qualified under Subsections 031.01 and 031.02, has completed no fewer than eight (8) hours of Commission-approved stray voltage training and who has been involved in no fewer than five (5) prior investigations involving the measurement or testing of stray voltage. (9-14-05)T

032. DATA ANALYSIS (RULE 32).

Analysis of data under these rules, for consideration by the Commission, shall be performed by a qualified analyst. A professional engineer, licensed in any state, who has completed no fewer than forty-eight (48) hours of stray voltage training and who has been involved in no fewer than five (5) prior investigations involving measurement or testing of stray voltage shall be presumed to be a qualified analyst. (9-14-05)T

033. PERSONS OTHERWISE QUALIFIED (RULE 33).

A person who does not satisfy the qualifications in Sections 031 and 032, may nonetheless be determined by the Commission to be a qualified testing professional or a qualified analyst if, on

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motion of any party, the Commission finds that person otherwise possesses the knowledge, skill, experience, training, or education that qualifies that person to offer expert testimony before the Commission. (9-14-05)T

034. -- 050. (RESERVED).

RULES 51 THROUGH 60 -- CALIBRATION OF AND EQUIPMENT USED FOR MEASURING AND RECORDING VOLTAGE, CURRENT AND RESISTANCE

051. GENERAL REQUIREMENTS FOR STRAY VOLTAGE MEASURING AND RECORDING EQUIPMENT (RULE 51).

Equipment used for the measurement or testing of stray voltage, current, and resistance shall meet the following criteria: (9-14-05)T

01. Resolution and Accuracy. The accuracy and resolution of any instrument used to measure or record cow contact voltage or current, shall limit the error to five percent (5%) or less at one volt (1 V) or two milliampere (2 mA). (9-14-05)T

02. Voltage Measurement. Instruments used to measure cow contact voltage shall be capable of separating and independently measuring alternating current (AC) and direct current (DC) voltages. These instruments shall have a minimum internal impedance of ten thousand (10,000) ohm and shall be capable of measuring the true-rms voltage. (9-14-05)T

03. Current Measurement. A clamp-on ammeter, a digital multi-meter (DMM) with clamp-on device, or an in-line ammeter shall be used to measure current between two (2) points. The meters shall be capable of separating and independently measuring alternating current (AC) and direct current (DC) and shall be capable of measuring the true-rms current. Care must be taken to assure that clamp-on ammeters used have the required resolution and accuracy. (9-14-05)T

04. Resistance Measurement. Resistance shall be measured using either a volt ohmmeter (VOM) or a DMM. Resolution shall be to the level of one (1) ohm or less when measuring a resistance of less than one thousand (1,000) ohm. Accuracy shall be within plus or minus five (+/-5) ohm for a five hundred (500) ohm resistance. (9-14-05)T

05. Resistance-to-Earth Measurement. Grounding electrode resistance-to-earth measurements shall be made with a three- (3) point fall-of-potential instrument or a clamp-on resistance-to-earth tester. (9-14-05)T

052. CALIBRATION REQUIREMENTS (RULE 52).

01. Measuring Equipment Calibration. All measuring equipment shall be calibrated according to the manufacturer's recommended calibration schedule, but no less than annually, to meet the manufacturer's specifications for the accuracy and resolution of the equipment. Measuring equipment shall not be used after its next "calibration due" date for measurements or

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tests conducted during a stray voltage investigation. Calibration shall be performed by either:
(9-14-05)T

a. The manufacturer of the equipment, who shall certify that the equipment meets the manufacturer's specifications for accuracy and resolution; or
(9-14-05)T

b. A laboratory currently certified as meeting all applicable Institute of Electrical and Electronic Engineers (IEEE) and International Organization for Standards (ISO) standards.
(9-14-05)T

02. Calibration Certificates. The service provider performing the tests and measurements shall maintain certificates from the manufacturer or the calibration laboratory demonstrating compliance with calibration requirements.
(9-14-05)T

03. Field Check. Before voltage or current measurement or testing is performed, the instrument shall be field-checked by comparing measurements to those of other instruments or against a known source.
(9-14-05)T

053. REQUIREMENTS FOR MONITORING AND RECORDING DEVICES (RULE 53).

Digital recording devices shall be used for the purpose of recording current and voltage for extended periods, such as the forty-eight (48) hour test. The recording devices shall have the same level of resolution and accuracy as the meters being used for the measurements. Monitoring systems, which combine measuring and recording functions in a single instrument, shall have the same level of resolution and accuracy as specified in Section 051. Recording devices and monitoring systems shall be capable of recording transient deviations of one-tenth (0.1) second or less in duration from the steady state. Digital recording devices, which have deviation settings, shall permit the deviation setting to be set "low" enough to meet the resolution and accuracy requirements in Subsection 051.01 of these rules. All recording devices shall be able to log the time and date of all data recorded and shall have their internal clocks synchronized. (9-14-05)T

054. REQUIREMENTS FOR LOAD BOXES (RULE 54).

The load box shall meet the following criteria:
(9-14-05)T

01. Volts. A load box shall be a primarily non-inductive nominal two hundred forty (240) volt, resistance heating type load with a minimum nominal full load of eighteen (18) kilowatts (kW).
(9-14-05)T

02. Split-Load. A load box shall be capable of operating at two (2) or more load settings, including approximately fifty percent (50%) and one hundred percent (100%) of the load box's rated total load.
(9-14-05)T

055. -- 070. (RESERVED).

RULES 71 THROUGH 80 -- TESTING AND MEASUREMENT PROCEDURES

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071. STRAY CURRENT OR VOLTAGE TESTS (RULE 71).

Subject to Subsection 071.02, there are six (6) tests used to detect and measure stray current or voltage. (9-14-05)T

01. ~~Order~~ Scheduling of Stray Voltage Tests. ~~The tests shall be performed in the order listed below.~~ Efforts shall be made to perform the tests under conditions substantially similar to those conditions existing at the time(s) the dairy producer believes stray voltage to be a problem. (9-14-05)T(12-7-05)T

- a. Test 1 - Cow Contact Test; (9-14-05)T
- b. Test 2 - Forty-Eight (48) Hour Test; (9-14-05)T
- c. Test 3 - Primary Profile Test; (9-14-05)T
- d. Test 4 - Secondary Neutral Voltage Drop Test; (9-14-05)T
- e. Test 5 - Load Box Test; and (9-14-05)T
- f. Test 6 - Signature Test. (9-14-05)T

02. Testing Sequence. Tests 1 ~~and 2~~ shall be performed first ~~to determine the presence and level of stray voltage.~~ Tests 1 and 2 are used to determine the presence and level of stray voltage and shall be performed in all investigations, subject to the provisions of Subsection 071.03. Tests 3, 4, 5, and 6 may be performed in any order and may be performed without first determining that these tests are required under Paragraph 071.02.b. Tests 3, 4, 5, and 6 may be performed prior to starting the recording for Test 2 or while Test 2 is in progress. Test 2 may be interrupted as necessary to conduct Tests 4, 5, and 6, or for review and analysis of the data recorded up to that point. (9-14-05)T(12-7-05)T

a. If the results from Tests 1 and 2 indicate that stray voltage does not exceed the preventive action level (PAL), the utility has no further testing or remediation obligations under these rules during this test cycle. (9-14-05)T

b. If the PAL is exceeded, the utility shall perform the remaining four (4) tests except as provided in Subsection 071.03. The utility shall also perform analysis to determine whether the portion of the stray current or voltage attributable to an off-farm source exceeds fifty percent (50%) of the PAL. (9-14-05)T(12-7-05)T

c. If the PAL is exceeded, and the portion of the stray current or voltage attributable to an off-farm source does not exceed fifty percent (50%) of the PAL, the utility has no further testing or remediation obligations. (9-14-05)T

d. If the PAL is exceeded, and the portion of the stray current or voltage attributable to an off-farm source exceeds fifty percent (50%) of the PAL, the utility shall conduct remediation pursuant to Section 091. Under this condition, the forty-eight (48) hour recording of Test 2 may

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be reduced to no fewer than twenty-four (24) hours.

~~(9-14-05)T~~(12-7-05)T

e. For all testing conducted under these rules, the utility shall have a qualified analyst prepare a report pursuant to Section 082. (9-14-05)T

03. Suspended or Limited Testing. With the written agreement of both the utility and the dairy producer, a stray voltage investigation may be suspended at any point in the investigation. With the written agreement of both the utility and the dairy producer, the utility may employ a limited set of tests or measurements on a dairy as part of an intentionally limited evaluation. If the utility proposes to suspend a stray voltage investigation or to conduct a limited evaluation, its reasons for doing so shall be set forth in the written agreement between the utility and the dairy producer. (12-7-05)T

072. PREPARATION FOR TESTING (RULE 72).

The person performing the tests shall perform the following:

(9-14-05)T

01. Remote Reference Grounding Rod.

(9-14-05)T

a. Remote reference grounding rod(s) shall be installed and penetrate moist soil to a depth of thirty (30) inches. When practicable, remote reference rods shall be installed at least twenty-five (25) feet away from the nearest underground conductive electrical equipment of any type or at a distance equal to three (3) to four (4) times the buried depth of any metallic structure connected to the service entrance neutral. The reference ground rod shall be located not closer than twenty-five (25) feet from the centerline of a primary electrical conductor right-of-way. A reference rod shall be located not closer than one hundred (100) feet from the edge of a transmission line right-of-way. (9-14-05)T

b. All remote reference grounding rods shall be checked for "remoteness" prior to their use for tests or measurements and if found to be insufficiently "remote," a new location for that reference ground rod shall be found and retested for remoteness. Remoteness of the reference ground shall be determined by measuring the voltage from the transformer grounding electrode conductor to the remote reference ground. The resistance-to-earth of the transformer grounding electrode shall be measured. The grounding electrode current shall be measured. Remoteness is considered adequate if the measured voltage (transformer grounding conductor to reference ground, V_p) is within twenty percent (20%) of the voltage calculated by multiplying the grounding electrode current by the grounding electrode resistance-to-earth. (9-14-05)T

c. If the transformer grounding electrode is within twenty-five (25) feet of other primary or secondary grounding electrodes, this remoteness test shall be conducted at the first primary system grounding electrode upstream of the transformer that is greater than twenty-five (25) feet from other primary or secondary system grounding electrodes. (9-14-05)T

02. Inspecting the Transformer(s). Prior to testing, the utility transformer shall be inspected, grounding electrode resistance measured, and any repairs necessary for safety be made and recorded. In the case of a customer-owned transformer, qualified personnel shall inspect the installation, measure grounding electrode resistance, and make and record any repairs necessary for safety. Measurements that require contact with utility or customer-owned primary wires or

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equipment shall be made by the utility or other qualified personnel. (9-14-05)T

03. In-Line Ammeters. If in-line or series ammeters are used, they shall be installed under safe conditions in accordance with the National Electrical Safety Code and the National Electrical Code with the entire dairy system or the specific circuit to be tested de-energized. (9-14-05)T

04. Pre-Test Documentation. (9-14-05)T

a. All pre-test calibration requirements from Section 052 shall be completed and documented. (9-14-05)T

b. A sketch or drawing of the dairy shall be prepared indicating: (9-14-05)T

i. The location of the buildings; (9-14-05)T

ii. Secondary electrical service panels and secondary feeder systems serving cow contact areas; (9-14-05)T

iii. Transformer(s) and central distribution point; (9-14-05)T

iv. Existing grounding electrodes (if known); (9-14-05)T

v. The location of all cow contact points to be tested; (9-14-05)T

vi. All remote reference grounding rods; and (9-14-05)T

vii. All primary and secondary neutral test points used in conjunction with the remote reference grounding rod(s). (9-14-05)T

c. A listing of planned test points shall be prepared using the applicable form prior to beginning each test. Each test shall be listed separately and specific reference numbers shall be given to each planned test point. (9-14-05)T

05. Safety. (9-14-05)T

a. If the service provider reasonably concludes that a dairy's noncompliance with the National Electrical Code poses a significant and immediate safety hazard which prevents completion of any test or measurement required by these rules, then the service provider's obligations to proceed under these rules shall be suspended until the hazard is eliminated. (9-14-05)T

b. At the discretion of the service provider conducting the test, livestock shall be removed from any area where electrical equipment or wiring is examined or electrical measurements are taken. Testing may be suspended if the presence of cows or other animals creates a potential hazard to testing personnel. The locations of electric fences and other electrified cow control devices shall be noted and de-energized where practical. (9-14-05)T

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PENDING RULE

073. TEST 1 -- COW CONTACT TEST (RULE 73).

01. Purpose. The purpose of this test is to determine the location(s), if any, where stray current or voltage exceeds the preventive action level (PAL) and to identify the location(s) at which the cow contact voltage will be recorded in the forty-eight (48) hour test. (9-14-05)T

02. Selection of Cow Contact Points. The selection of cow contact points to be tested shall include a sufficient number of locations reasonably likely to demonstrate the presence of stray voltage or current, if any. (9-14-05)T

03. Conducting the Test. The voltage across the shunt resistor or current through the shunt resistor shall be measured between cow contact points as shown in Figure 1. The source resistance shall be calculated during analysis for all cow contact points. (9-14-05)T

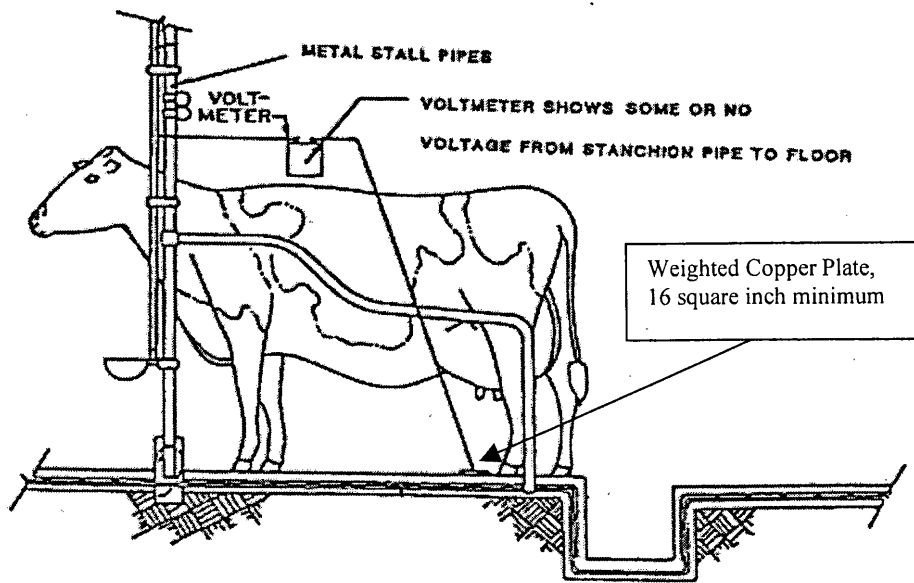


Figure 1, Cow Contact Test.

(9-14-05)T

a. When using a voltmeter to measure voltage between contact points where one (1) of those points is the floor surface, the equipment shall be arranged as shown in Figures 1 and 2, using a metal plate, which shall make a high quality conductive contact with the ground or floor. If the service provider is unsure of having a high quality conductive contact with the floor or ground, then the procedure described in Paragraph 073.03.c. shall be followed. If necessary, corrosion shall be removed from the point(s) where test lead(s) make contact with metal equipment. (9-14-05)T

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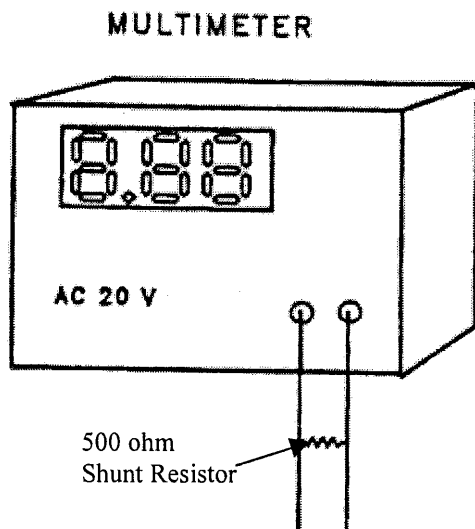


Figure 2, Cow Contact Voltage Measurement.

(9-14-05)T

b. When using an in-line milliammeter or a clamp-around milliammeter to measure current between contact points and one (1) of those points is the floor surface or earth, the equipment shall be arranged as shown in Figure 3, using a metal plate which shall make high quality conductive contact with the ground or floor. If the service provider is unsure of having a high quality conductive contact with the floor or ground, then the procedures described in Paragraph 073.03.c. shall be followed. If necessary, corrosion shall be removed from the point(s) where test lead(s) make contact with metal equipment. (9-14-05)T

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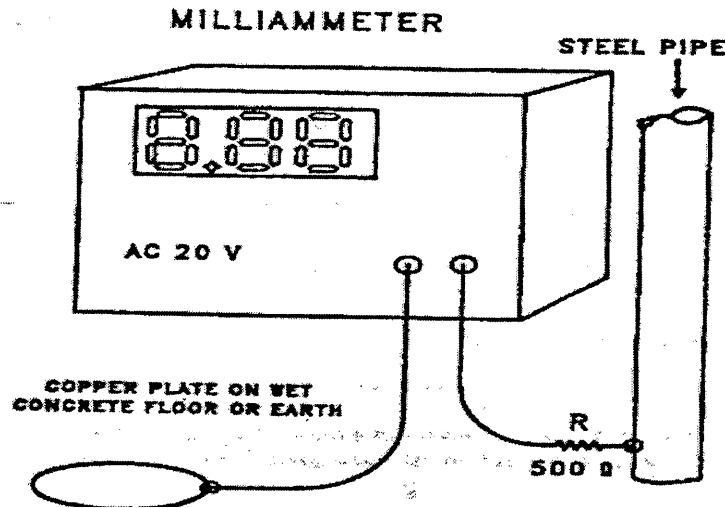


Figure 3, Set Up for Measuring Current Cow Contact Point to Ground (9-14-05)T

c. A metal plate used to make an electrical contact with the earth or floor shall be of regular shape (square, rectangular or round), and shall have a surface area equal to or greater than sixteen (16) square inches (4 inches x 4 inches or equivalent). Place a weight not less than twenty (20) pounds on the metal plate. This weight shall be applied evenly across the metal plate and not to the adjacent concrete or earth. Place the metal plate a minimum distance of twelve (12) inches from any metal equipment making contact with the floor or earth. (9-14-05)T

i. Where the metal plate is to be placed on a concrete floor, the surface shall be flat. Clean the floor surface with a wire brush to remove debris that may add excess resistance. Use water to clean the floor surface at the point where the metal plate will be placed. Place a paper towel or similar material soaked in saltwater between the metal plate and the concrete floor. (9-14-05)T

ii. Where the metal plate is to be placed on the ground or earth surface, the surface shall be flat. Remove any debris and add water to the area, if necessary, to dampen the soil. The surface of the metal plate that will make contact with the earth shall be clean and free of corrosion before use. Remove any corrosion, if necessary. (9-14-05)T

04. Recording the Data. The person conducting this test shall record the location of, and measured values at, each test point. At each cow contact location, an open circuit voltage reading (V_{oc}) and a voltage with five hundred (500) ohm nominal shunt resistor placed across the input to the meter (V_{shunt}) shall be taken. These readings shall be taken with ten (10) seconds or less time between each reading. Alternatively, a current measurement (I_{shunt}) may be taken in place of the voltage reading (V_{shunt}). Data for these test points shall be recorded on the form in Appendix 1. (9-14-05)T

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05. Source Resistance Calculation. The source resistance (R_{source}) shall be calculated for each cow contact location measured and the value recorded in Appendix 1. The following formulas shall be used to calculate source resistance. (9-14-05)T

$$R_{\text{source}} = \frac{V_{\text{oc}} - V_{\text{shunt}}}{V_{\text{shunt}}} \times R_{\text{shunt}} \quad (9-14-05)T$$

$$R_{\text{source}} = \frac{V_{\text{oc}}}{I_{\text{shunt}}} - R_{\text{shunt}} \quad (9-14-05)T$$

074. TEST 2 -- FORTY-EIGHT HOUR TEST (RULE 74).

01. Purpose. The purpose of this test is to determine whether stray current or voltage exceeds the preventive action level (PAL) at selected location(s) over a forty-eight (48) hour period, subject to Subsection 074.06 and Paragraph 071.02.d. The test also demonstrates whether the primary or secondary sides of the system have a specific impact on the recorded current or voltage at specific times of day. ~~(9-14-05)T~~(12-7-05)T

02. Setup. A digitizing data recorder with averaging capability and capable of detecting and recording transient deviations of one-tenth (0.1) second or less in duration shall be used to record the following: (9-14-05)T

- a. Voltage from primary neutral at the transformer to remote reference ground, V_p . (9-14-05)T
- b. Voltage from secondary neutral in the service panel serving the area of the cow contact to remote reference ground, V_s . (9-14-05)T
- c. Voltage drops (V_p s) from primary neutral at the location of connection for V_p to secondary neutral at the location of the connection for V_s . (9-14-05)T
- d. Cow contact current through (I_{cc}) or voltage across a five hundred (500) ohm resistor at the high voltage point(s) found in Test 1, V_{cc} . (9-14-05)T

03. Measurement Interval. The results of the forty-eight (48) hour test may be highly indicative of the presence of stray voltage. A recording interval as high as ten (10) seconds may be used provided that transient deviations of voltage or current of one-tenth (0.1) second or less in duration of voltage or current are recorded to the maximum ability of the instrument. (9-14-05)T

04. Measurement at the Cow Contact Point(s). Measurements to the earth or concrete surface shall be to a metal plate as described in Paragraph 073.03.c. when making measurements to metal objects, corrosion shall be removed to obtain a low resistance connection. (9-14-05)T

05. Recording the Data. All of the data gathered by the recording equipment during the forty-eight (48) hour test including transients shall be downloaded and retained with the

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records of the investigation. In addition, the steady-state data shall be summarized in the investigation report. The recorded data shall be made available to the dairy producer or utility upon request. The person conducting this test shall record the location of, and measured values at, each test point. The identification of the cow contact point shall be recorded on the form in Appendix 2. Transient deviations shall be recorded on the supplemental data form, page 3 of 3 in Appendix 2. A plot of the voltage versus time may be substituted for the recording of measured values in Appendix 2. (9-14-05)T

06. Reduced Recording Period. If a qualified analyst concludes that remediation by the utility is required under Paragraph 071.02.d. prior to the completion of a forty-eight (48) hour recording period, the recording period may be reduced to no fewer than twenty-four (24) hours. (12-7-05)T

075. TEST 3 -- PRIMARY PROFILE TEST (RULE 75).

01. Purpose. The purpose of this test is to measure or calculate neutral-to-earth voltage (NEV) for a multi-grounded distribution system. (9-14-05)T

02. Conducting the Test. The primary profile test requires concurrent measurement of the ground electrode resistance and current at all primary system ground points within three quarters (3/4) of a mile on either side of all primary service points serving the dairy, or to the end of the line if less than three quarters (3/4) of a mile. Alternatively, the voltage between a remote grounding rod and the primary ground point being tested may be measured. (9-14-05)T

a. This test shall be conducted starting at one (1) end of the distribution system and working toward the other end ~~while checking all branch lines encountered within the specified distance~~ along the main primary distribution system. Figure 4 below illustrates the procedure. (9-14-05)T(12-7-05)T

i. Where the dairy is served by a dedicated tap of less than one half (1/2) mile in length from a distribution line, the neutral-to-earth voltage shall be measured at each primary ground along the tap and along the distribution line to a distance of three quarters (3/4) of a mile in each direction from the point of the tap; or (9-14-05)T

ii. Where a dairy is served by a dedicated tap that extends more than one half (1/2) mile from the distribution line, the neutral-to-earth voltage shall be measured at each primary grounding electrode along the tap and along the distribution line to a distance of one half (1/2) mile in each direction from the point of the tap. (9-14-05)T

03. Recording the Data. The person conducting this test shall record the location of, and measured values at, each test point. Data and calculation results for these test points shall be recorded on the form in Appendix 3. (9-14-05)T

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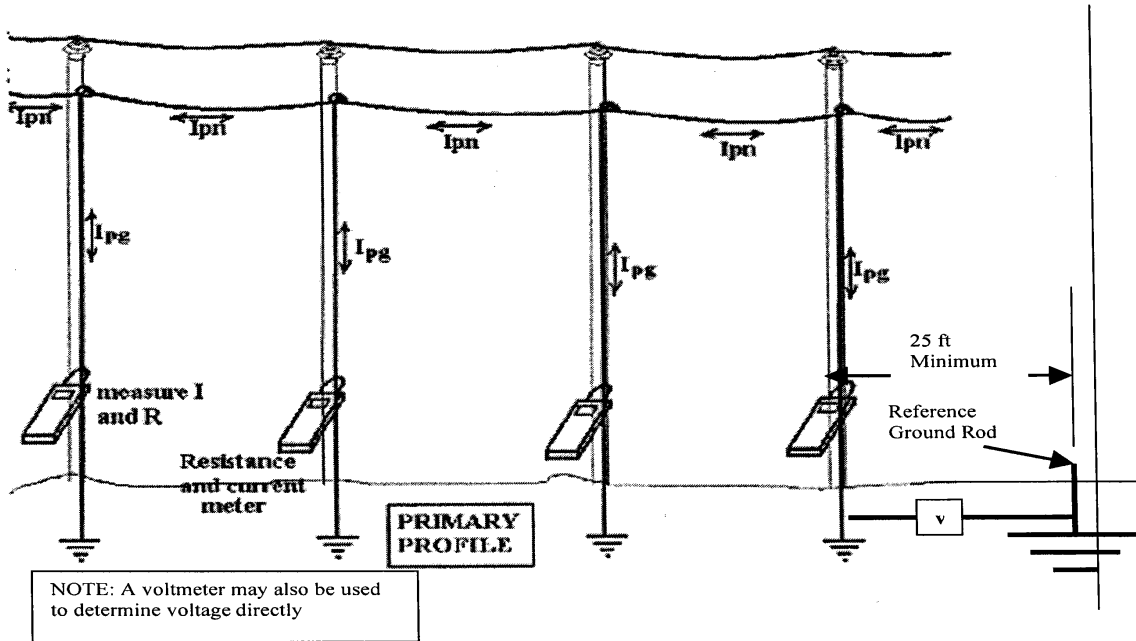


Figure 4

(9-14-05)T

076. TEST 4 -- SECONDARY NEUTRAL VOLTAGE DROP TEST (RULE 76).

01. Purpose. This test is used to determine the impact of each secondary service on the neutral-to-earth (NEV) and cow contact voltages on the dairy under controlled conditions.

(9-14-05)T

02. Conducting the Test. This test shall be performed for all service entrances. A proxy load of known characteristics (such as a resistive load like a one hundred twenty (120) volt, fifteen hundred (1,500) watt hairdryer) is required for this test. The proxy load must create a known and stable current and subsequent voltage drop for each neutral serving a main panel, sub-panel or end-of-service area. All service entrances other than that being tested shall be turned "off" to perform this test. A diagram showing the connections and measurement points for this test is shown in Figure 5.

(9-14-05)T

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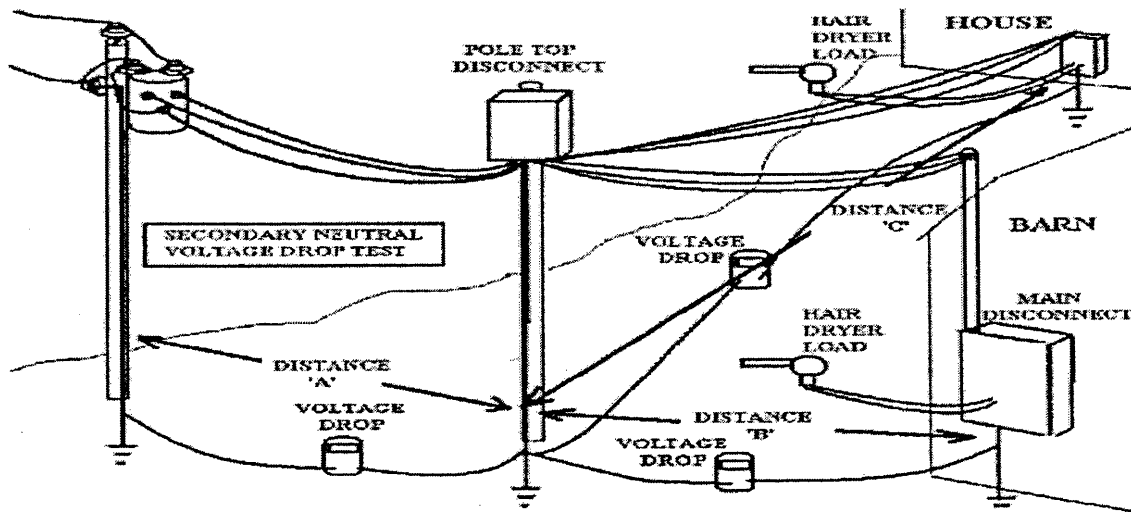


Figure 5, Secondary Neutral Voltage Drop Test Arrangement. (9-14-05)T

03. **Data Collection.** The following data shall be collected for each secondary neutral tested: (9-14-05)T
- a. Gauge and type of neutral wire. (9-14-05)T
 - b. Length of neutral wire. (9-14-05)T
 - c. Neutral current, I_{sn} . (9-14-05)T
 - d. Voltage drop (V_{DropM}) between both ends of the secondary neutral being tested. (9-14-05)T
 - e. Cow contact voltage (V_{cc}) or current (I_{cc}) at the same points used in the forty-eight (48) hour test. (9-14-05)T
 - f. Primary neutral at the transformer to reference ground voltage, V_p . (9-14-05)T
 - g. Secondary neutral to reference ground voltage, V_s . (9-14-05)T

04. **Measurements.** The three (3) voltages (V_{cc} , V_p and V_s) shall be measured with the proxy load "off" and "on." Calculated expected voltage drops (V_{DropC}) (see Appendix 4) shall be compared with measured voltage drops (V_{DropM}). If the measured and calculated voltage drops differ significantly, further investigation shall be undertaken to determine the source of additional voltage drop within the circuit. Neutral current shall be measured and recorded with the proxy load on (I_{sn}). (9-14-05)T

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05. Recording the Data. Any person conducting this test shall record the location of, and measured values at, each test point. Data and calculation results for these test points shall be recorded on the form in Appendix 4. (9-14-05)T

077. TEST 5 -- THE LOAD BOX TEST (RULE 77).

01. Purpose. This test is used to determine the extent to which the primary system contributes to stray current or voltage at cow contact points. For dairies with three (3) phase balanced primary service, the service provider shall perform Steps One and Two in Paragraph 077.02.b. below. (9-14-05)T

02. Conducting the Load Box Test. This test shall be performed at the same time of day as the time(s) of highest cow contact voltage found in the forty-eight (48) hour test. During this test, voltage and current shall be measured and recorded at the points indicated in Figure 6. (9-14-05)T

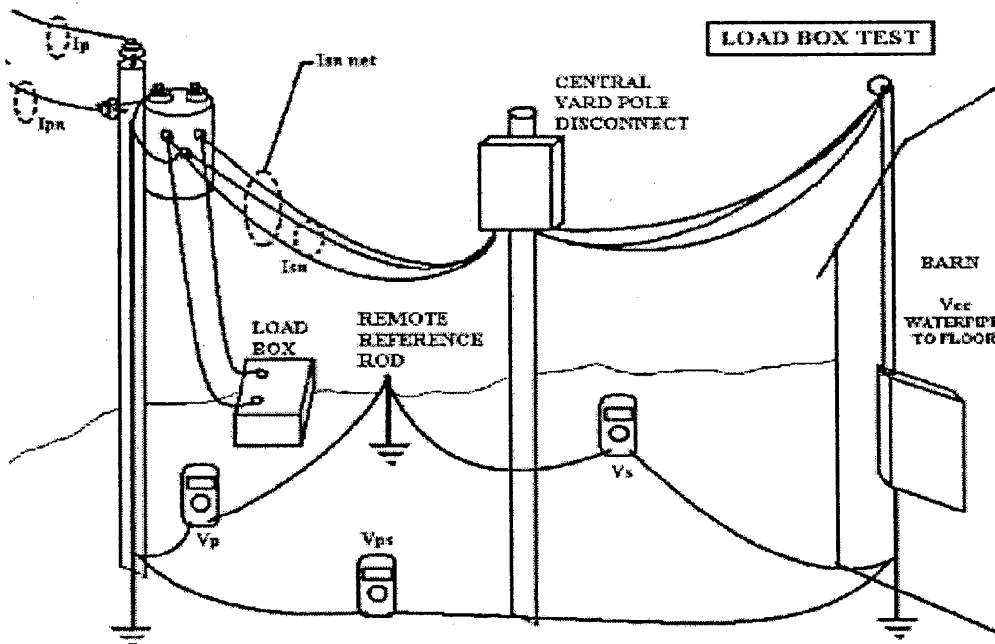


Figure 6, Load Box Test.

(9-14-05)T

a. The load box test requires the recording of eight (8) data points during each of the five (5) test steps. The eight (8) data points that shall be measured or calculated and recorded for each step are: (9-14-05)T

i. Primary line to neutral voltage, V_{pri} .

(9-14-05)T

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- ii. Load Box Current, I_{lb} . (9-14-05)T
 - iii. Voltage at load box connection to secondary system, V_{lb} . (9-14-05)T
 - iv. Calculate transformer current I_p using $I_p = \frac{I_{lb} \times V_{lb}}{V_{pri}}$. (9-14-05)T
 - v. Voltage from primary neutral at the transformer to remote reference ground rod, V_p . (9-14-05)T
 - vi. Voltage from secondary neutral in the service panel serving the area of the cow contact to remote reference ground rod, V_s . (9-14-05)T
 - vii. Voltage from primary neutral at the transformer to secondary neutral at the service panel serving the area of cow contact, V_{ps} . (9-14-05)T
 - viii. Cow contact voltage (V_{cc}) or current (I_{cc}) at the same point(s) used in the forty-eight (48) hour test. (9-14-05)T
- b.** Except for dairies with three (3) phase balanced primary service, the following five (5) test steps shall each be conducted for at least two (2) minutes: (9-14-05)T
- i. Step One: The load box shall be de-energized, the dairy shall remain “on,” and the data shall be recorded. (9-14-05)T
 - ii. Step Two: The load box shall be de-energized, the dairy shut “off,” and the data shall be recorded. (9-14-05)T
 - iii. Step Three: The load box shall be set to half load, the dairy shut “off,” and the data shall be recorded. (9-14-05)T
 - iv. Step Four: The load box shall be set to full load, the dairy shut “off,” and the data shall be recorded. (9-14-05)T
 - v. Step Five: The load box shall be set to full load, the dairy shall be turned “on,” and the data shall be recorded. (9-14-05)T
- 03. Calculating the K Factor.** The K factor is a calculated ratio (V_{cc}/V_s). The K factor should be less than one (1) because V_{cc} (cow contact voltage) should be less than V_s (the dairy ground to reference ground voltage). If the K factor is greater than one (1), then there is contribution to V_{cc} from sources other than V_s . (9-14-05)T
- 04. Recording the Data.** The person conducting this test shall record the location of, and measured values at, each test point. Data and calculation results for these test points shall be recorded on the form in Appendix 5. (9-14-05)T
- 078. TEST 6 -- SIGNATURE TEST (RULE 78).**

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01. Purpose. This test is used to determine the contribution to stray current or voltage of individual pieces of equipment operating on the dairy. The test is best performed when there is minimal farm electrical activity. (9-14-05)T

02. Conducting the Signature Test. During this test, individual pieces of major current drawing equipment shall be started and stopped. The effects of starting, operating, and stopping each piece of equipment shall be measured and recorded for a period of operation of at least fifteen (15) seconds. The person conducting the test shall identify and record the equipment being tested and record the specific times that the equipment was started and stopped. A digitizing data recorder with averaging capability shall be used to measure and record the required electrical data. These measurements shall be taken at the same locations at the dairy where measurements were taken for the purpose of the load box test and forty-eight (48) hour test. (9-14-05)T

a. Voltage from primary neutral at the transformer to remote reference ground rod, V_p . (9-14-05)T

b. Secondary neutral at the service panel serving the area of cow contact to remote reference ground voltage, V_s . (9-14-05)T

c. Primary neutral voltage drop (V_{ps}) from the location of connection for V_p to secondary neutral voltage at the location of the connection for V_s . (9-14-05)T

d. Cow contact voltage (V_{cc}) or current (I_{cc}) at the preselected point. (9-14-05)T

03. Recording the Data. All of the data gathered by the recording equipment during the signature test, including transients shall be downloaded and retained with the records of the investigation. In addition, the steady state data shall be summarized in the investigation report. The recorded data shall be made available to the dairy producer or utility upon request. The location of all test point(s) shall be recorded on the form in Appendix 6. A plot of the voltage versus time may be substituted for the recording of measured values on Appendix 6. (9-14-05)T

079. -- 080. (RESERVED).

RULES 81 THROUGH 90 – ANALYSIS AND REPORTING THE DATA

081. ANALYZING THE COLLECTED DATA (RULE 81).

01. Cow Contact Points. Examine the data recorded for the forty-eight (48) hour test in Appendix 2 and determine the highest steady state value of cow contact voltage (V_{cc}) or current (I_{cc}). Determine the value of primary neutral to reference voltage (V_p) that was present for the highest cow contact value. Record these values on the data sheet of Appendix 7. These values shall be identified as “test cow contact voltage or current” ($V_{cc\ 48hr}$ or $I_{cc\ 48hr}$) and “primary neutral to reference voltage at time of maximum cow contact voltage or current” ($V_{p\ 48hr}$). The three (3) data sets created from the values are: (9-14-05)T

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a. The primary to reference ground voltage and the cow contact voltage or current measured during the load box test (Appendix 5) with the farm power “off” and the load box “off” shall be recorded on the data sheet of Appendix 7 as $V_{p\ OFF}$ and either $V_{cc\ OFF}$ or $I_{cc\ OFF}$. (9-14-05)T

b. The primary to reference ground voltage and the cow contact voltage or current measured with the load box set at one half load shall be recorded on the data sheet of Appendix 7 as $V_{p\ HALF\ LOAD}$ and either $V_{cc\ HALF\ LOAD}$ or $I_{cc\ HALF\ LOAD}$. (9-14-05)T

c. The primary to reference ground voltage and the cow contact voltage or current measured with the load box at maximum shall be recorded on the data sheet of Appendix 7 as $V_{p\ FULL\ LOAD}$ and either $V_{cc\ FULL\ LOAD}$ or $I_{cc\ FULL\ LOAD}$. (9-14-05)T

02. Contributions to Stray Voltage or Current for Single Phase Dairies. The utility contribution to cow contact voltage or current shall be determined using the following formula. Compare the values determined to the preventive action level (PAL). (9-14-05)T

Utility contribution to

$$\text{cow contact voltage} = \frac{V_{p48} - V_{p\ HALF}}{V_{p\ FULL} - V_{p\ HALF}} \times (V_{cc\ FULL} - V_{cc\ HALF}) + V_{cc\ HALF} \quad (9-14-05)T$$

or

Utility contribution to

$$\text{cow contact current} = \frac{V_{p48} - V_{p\ HALF}}{V_{p\ FULL} - V_{p\ HALF}} \times (I_{cc\ FULL} - I_{cc\ HALF}) + I_{cc\ HALF} \quad (9-14-05)T$$

03. Contributions to Stray Voltage or Current for Three Phase Dairies. The utility contribution to cow contact voltage or current for dairies with three (3) phase balanced load service, shall be determined by directly using the results of the load box test results for Step 1 and Step 2 as specified in Paragraph 077.02.b. (9-14-05)T

a. The V_{cc} measured during Step 1 of the load box with the load box “off” and the dairy “on” will be the total V_{cc} . (9-14-05)T

b. The V_{cc} measured during Step 2 of the load box test with the load box “off” and the dairy “off” is the contribution to V_{cc} from the utility, $V_{cc\ utility}$. (9-14-05)T

c. The contribution to V_{cc} by the dairy is the difference between V_{cc} and $V_{cc\ utility}$, $V_{cc\ dairy} = V_{cc} - V_{cc\ utility}$. (9-14-05)T

082. REPORTING (RULE 82).

Within a reasonable period of time after completion of any tests required to be performed by the utility under these rules, a qualified analyst shall prepare a written report. The report shall include

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a summary of the tests performed, a copy of the sketch or drawing of the dairy prepared pursuant to Section 072, all of the data or results obtained from the tests, and an analysis of the data or results obtained from the tests. If remediation was required under these rules, the report shall specify the actions taken or to be taken. The utility shall provide a copy of the written report to the dairy producer. (9-14-05)T

083. -- 090. (RESERVED).

RULES 91 THROUGH 92 -- REMEDIAL ACTIONS AND COMMISSION PROCEEDINGS

091. REMEDIATION (RULE 91).

01. Utility System. If the utility is required to conduct remediation, it shall commence such remediation within five (5) business days. The utility shall diligently pursue to completion remedial procedures which shall reduce, and are reasonably likely to sustain, that portion of the stray current or voltage attributable to the utility's distribution system to a level equal to or less than fifty percent (50%) of the preventive action level (PAL). This may include addressing other off-dairy sources. (9-14-05)T

02. Other Dairies, Farms and Industrial Sites. If a utility's contribution to stray voltage exceeds fifty percent (50%) of the preventive action level (PAL) and the utility determines that another customer is a significant contributing source of stray voltage, the utility shall notify both the dairy and the other customer in writing. (9-14-05)T

092. COMMISSION PROCEEDINGS (RULE 92).

01. Filing with the Commission. All petitions seeking relief under Section 61-805, Idaho Code, shall be filed with the Commission Secretary pursuant to Section 005. Petitions shall conform to IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission," Section 053. The petitioner shall file an original and five (5) copies of the petition. (9-14-05)T

02. Contents of Petition. The petition shall conform to IDAPA 31.01.01, "Rules of Procedure of the Idaho Public Utilities Commission," Section 053. The petition shall contain background information, the date the notice was filed with the serving utility, a description of the alleged incident(s) of non-compliance with the Stray Current and Voltage Remediation Act, and the remediation actions (if any) undertaken by either the utility or the dairy. A copy of the utility's entire stray voltage report shall accompany the petition. (9-14-05)T

093. -- 999. (RESERVED).

APPENDIX 1

TEST 1 – COW CONTACT POINT DATA FORM

Dairy Name: _____ Date: _____

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Dairy Location: _____
Shunt Resistor: _____ ohm (R_{shunt})

Item #	Contact Point Identifier	Contact Point Description	Voltage Measured w/o Shunt Resistor V_{oc}	Voltage Current Measured w/Shunt Resistor V_{cc}	Source Resistance Calculated R_{source}	Comments
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
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TEST 1 – COW CONTACT POINT DATA FORM INSTRUCTIONS

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1. The total information provided by the contact point identification, the contact point description, and the dairy sketch(es) shall be sufficient to allow a third party to accurately repeat the test locating the correct cow contact points for a specific contact voltage.
2. The voltages measured in this test shall be determined using the same instrument(s) for both data points. One reading shall be taken immediately following the other using the same meter.
3. The actual source resistance is calculated from the known shunt resistance and the measured voltage.
4. Record comments as appropriate or necessary.

$$R_{\text{source}} = \frac{V_{\text{oc}} - V_{\text{shunt}}}{V_{\text{shunt}}} \times R_{\text{shunt}}$$

or

$$R_{\text{source}} = \frac{V_{\text{oc}}}{I_{\text{shunt}}} - R_{\text{shunt}}$$

APPENDIX 2

TEST 2 – “48-HOUR” TEST REPORT FORM 1

Customer Name: _____ Date: _____
Start Time: _____ Stop Time: _____
Contact Point Identifier Number: _____

Hour	Time of Occurrence (Hr, Min) of Highest Steady State Vcc or Icc	Voltage Across (Current Thru) Rshunt Vcc or Icc		Primary Neutral to Referenced Ground Vp	Secondary Neutral to Reference Ground Vs	Primary to Secondary Voltage Drop Vps	Duration Steady State Vcc or Icc Exceeded PAL in One Hour Period
1							
2							
3							
4							
5							

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TEST 2 - "48-HOUR" TEST REPORT FORM 1 INSTRUCTIONS

Record the following data with a long term digitizing data recorder or its equivalent for a minimum of 48 hours as specified in Rule 074:

- a. Voltage from primary neutral to remote reference ground, V_p , at transformer.
- b. Secondary neutral to remote reference ground voltage, V_s , at the electrical panel serving the area for the V_{cc} or I_{cc} selected.
- c. Primary neutral to secondary neutral voltage, V_{ps} , between points of connection for V_p and V_s .
- d. Steady state cow contact voltage or current at the preselected point(s) with the highest cow contact voltage or current recorded in Test 1, V_{cc} or I_{cc} .

SENATE STATE AFFAIRS COMMITTEE

PUBLIC UTILITIES COMMISSION The Stray Voltage Rules

**Docket No. 31-6101-0501 (New Chapter)
PENDING RULE**

Steady State Data:

Steady state data recorded during the 48-hour test shall be presented in tabular format on Form 1 as described below, or it shall be presented graphically. Graphical presentation shall include a time scale for the entire recording period and a clear indication of the steady state readings of Vcc or Icc, Vp, Vs and Vps for the recording intervals. The scale(s) shall be such that steady state cow contact voltages or currents at or above the PAL are easily identifiable.

If using tabular format, the analyst shall enter data in the table for each hour of the 48 hours of the test in chronological order. The data recorded in the table shall include: the specific time that the highest steady state value of Vcc or Icc was recorded in that hour; all four corresponding data points recorded at that time (Vp, Vs, Vps and Vcc or Icc), and the total time during the hour that the steady state Vcc or Icc exceeded the PAL.

TEST 2 – REPORT FORM 2 SUPPLEMENTAL DATA FOR FARM OWNER TRANSIENT DEVIATIONS FOUND DURING “48-HOUR” TEST

Customer Name: _____ Date: _____
Start Time: _____ Stop Time: _____
Contact Point Identifier Number: _____

Hour	Time of Highest Peak Vcc (Icc)	Highest Voltage Recorded	Total Number Transient Deviations	No. Transient Deviations Exceeding 1.0 Volts with Peak Magnitude Greater than 1.0 Volts (2.0 milliamps)
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				

SENATE STATE AFFAIRS COMMITTEE

PUBLIC UTILITIES COMMISSION
The Stray Voltage Rules**Docket No. 31-6101-0501 (New Chapter)**
PENDING RULE

14				
15				
16				
17				
18				
19				
20				
21				
22				

Transient deviations occur due to electrical events such as motor starts. The PAL level is 1.0 volt for steady state voltages but PAL does not apply to transient voltage deviations.

TEST 2 - “48-HOUR” TEST REPORT FORM 2 INSTRUCTIONS

Recording Transient Data:

For the purpose of identifying and reporting transient deviations, a transient deviation occurs when the recorded maximum Vcc or Icc in a recording interval exceeds two hundred percent (200%) of the steady state Vcc or Icc recording during the same recording interval.

Transient data recorded during the 48-hour test shall be presented in tabular format on the “48-hour Test – Transient Deviation Data” form as described below, or it shall be presented graphically. Graphical presentation shall include a time scale for the entire recording period and a clear indication of the maximum Vcc or Icc recorded for the recording intervals. The scale(s) shall be such that Vcc transient deviations at or above two (2.0) volts, or Icc transient deviations at or above four (4) milliamps, are easily identifiable.

If using a tabular format, the analyst shall enter data in the table for each hour of the 48 hours of the test in chronological order. The data recorded in the table shall include; the specific time during the hour that the transient deviation in Vcc or Icc with the largest peak magnitude occurred, the corresponding peak Vcc or Icc, the total number of transient deviations recorded in that hour, and the total number of transient deviations recorded in that hour with a peak magnitude of two (2) or more volts for Vcc or four (4) or more milliamps for Icc.

SENATE STATE AFFAIRS COMMITTEE

PUBLIC UTILITIES COMMISSION
The Stray Voltage Rules

Docket No. 31-6101-0501 (New Chapter)
PENDING RULE

APPENDIX 3

TEST 3 – PRIMARY PROFILE DATA FORM

Dairy Name: _____
Dairy Location: _____ Date: _____

Item	Pole Location & Identification	Time	Current Primary Ground I _{pg}	Resistance Primary Ground R _{pg}	Calculated Voltage (primary neutral-to-earth) V _{pne}	Measured Voltage (primary neutral-to-earth) V _{pne}	
#			(mA)	(Ohm)	(V)	(V)	Notes
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							

SENATE STATE AFFAIRS COMMITTEE

PUBLIC UTILITIES COMMISSION **The Stray Voltage Rules**

Docket No. 31-6101-0501 (New Chapter)
PENDING RULE

Note: If V_{pne} is measured it is not required to measure I_{pg} and R_{pg} for determination of the calculated V_{pne} . In cases where V_{pne} is calculated the following formula is used:

$$\text{Calculated } V_{pne} = (I_{pg} \times R_{pg}) / 1000$$

APPENDIX 4

TEST 4 – SECONDARY NEUTRAL VOLTAGE DROP TEST

Test Performed by: _____ Date: _____

Customer Name: _____

(All other farm loads must be off. Use only one load per circuit.)

	SITE:	1	2	3	4	5	
A	Site Location						Units
B	Circuit Neutral Wire Gauge						AWG
C	Circuit Neutral AL or CU						
D	Wire length (in 100's ft.)						100 ft.
E	Ω /100 ft.						Ω
F	Total Resistance (D times E)						Ω
G	Measured Neutral Current, I_{sn}						A
H	Calculated Voltage Drop, V_{DropC} (F times G)						V
I	Measured Voltage Drop, V_{DropM}						V
J	Percent difference $[(H-I)/H]*100$						%
	V_p load "off"						V
	V_s load "off"						V
	V_{cc} load "off"						V
	I_{cc} load "off," if measured						
	V_p load "on"						V

SENATE STATE AFFAIRS COMMITTEE

PUBLIC UTILITIES COMMISSION The Stray Voltage Rules

Docket No. 31-6101-0501 (New Chapter)
PENDING RULE

	Vs load "on"						V
	Vcc load "on"						V
	Icc load "on," if measured						

TEST 4 – SECONDARY NEUTRAL VOLTAGE DROP TEST INSTRUCTIONS

ITEM EXPLANATION

A-J Describe load site location, neutral wire gauge, neutral wire length (in 100s of feet), resistance per 100 feet (see table below), measured neutral current, measured voltage drop, V_p , V_s and V_{cc} or I_{cc} for load "off" and load "on."

Voltage drop is measured from end-to-end of the secondary neutral being tested and the neutral bus of the building being tested. Electrical power to all buildings shall be turned-off during this test except at the building being tested. Locations of V_p , V_s and V_{cc} or I_{cc} are the same as measured during the previous tests.

Calculate the total circuit resistance. Calculate using Ohm's Law, the expected neutral voltage drop. Calculate the absolute value of the difference and divide by the expected voltage drop. Express this as a percentage. If the two values (measured voltage drop and calculated voltage drop) do not agree, further investigation is warranted to discover the reason for the discrepancy.

Resistance Chart (ohm per 100 feet)

Multi-conductor Cables at 68 Degrees F.

MATERIAL		
GAUGE	AL	CU
14	0.423	0.257
12	0.265	0.162
10	0.166	0.102
8	0.104	0.064
6	0.066	0.040
4	0.042	0.025
2	0.026	0.016

SENATE STATE AFFAIRS COMMITTEE

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Docket No. 31-6101-0501 (New Chapter)
PENDING RULE

1	0.021	0.013
1/0	0.016	0.010
2/0	0.013	0.008
3/0	0.010	0.007
4/0	0.008	0.005

APPENDIX 5

TEST 5 – LOAD BOX TEST

Date:_____

Time:_____

Dairy:_____

	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
	FARM ON	FARM OFF	FARM OFF	FARM OFF	FARM ON
Condition	Load Box Off	Load Box Off	Load Box Half On	Load Box Full On	Load Box Full On
Time:					
Vp	V	V	V	V	V
Vs	V	V	V	V	V
Vps	V	V	V	V	V
Vcc	V	V	V	V	V
Icc	A	A	A	A	A

Load Box Current (Ilb):Half Load____A

Full Load____A

Load Box Voltage (Vlb):Half Load____V

Full Load____V

Primary Nominal Voltage Phase to Neutral (Vpri):_____V

Transformer Current Due to Load Box (IXFMR):Half Load____ AFull Load____ A

$$I_p = \frac{I_{lb} \times V_{lb}}{V_{pri}}$$

SENATE STATE AFFAIRS COMMITTEE

PUBLIC UTILITIES COMMISSION
The Stray Voltage Rules

Docket No. 31-6101-0501 (New Chapter)
PENDING RULE

K-Factor for Cow Contact Point _____

$$K = \frac{V_{cc}}{V_s}, \text{ as recorded in Step 4.}$$

TEST 5 - LOAD BOX TEST INSTRUCTIONS

Note 1: Testing may be accomplished by a single 18/25 kW load box or a dual element 9/18 or 12.5/25 kW load box. The difference between full load and half load measurements is used in most calculations.

Note 2: If the dairy is found in an isolated condition, two load box tests must be performed: an isolated test and a non-isolated test.

Note 3: If the dairy is served by a three-phase system, measure and record only the dairy-off, load box off column and the dairy-on, load box off column or test only one phase of the three.

ITEM EXPLANATION

- 1 Enter date and customer name.
- 2 Attach load box to the 240-volt secondary side of transformer. Turn on load box and measure current and voltage and record on data sheet, Appendix 5.
- 3 Conduct load box test and for each step measure and record V_p , V_s , V_{ps} and V_{cc} or I_{cc} . Each step shall be maintained for approximately two minutes with the highest reading during that time interval recorded.

- | | |
|--------|---|
| Step 1 | Farm power is “on” with load box “off” |
| Step 2 | Farm power is “off” with load box “off” |
| Step 3 | Farm power is “off” with load box “on” at half load |
| Step 4 | Farm power is “off” with load box “on” at full load |
| Step 5 | Farm power is “on” with load box “on” full load |
- 4 Remove load box and restore normal power to the farm.

SENATE STATE AFFAIRS COMMITTEE

PUBLIC UTILITIES COMMISSION
The Stray Voltage Rules

Docket No. 31-6101-0501 (New Chapter)
PENDING RULE

APPENDIX 6

TEST 6 – EQUIPMENT SIGNATURE TEST FORM

Dairy Name: _____

Date: _____

Location: _____

Descr. of Load		Location of Load	Load V	Load kW or HP	Load Phase 1 or 3	Load On						Load Off					
						Time	Vp	Vs	Vps	Vcc	Icc	Time	Vp	Vs	Vps	Vcc	Icc
1																	
2																	
3																	
4																	
5																	
6																	
7																	
8																	
9																	
10																	
11																	
12																	
13																	
14																	
15																	
16																	
17																	
18																	

TEST 6 - EQUIPMENT SIGNATURE TEST FORM INSTRUCTIONS

SENATE STATE AFFAIRS COMMITTEE

PUBLIC UTILITIES COMMISSION
The Stray Voltage Rules**Docket No. 31-6101-0501 (New Chapter)**
PENDING RULE

ITEM INSTRUCTIONS

- 1 Enter the date the test is performed.
- 2 Enter the name of the dairy.
- 3 Enter the description of the load for which the signature will be recorded.
- 4 Provide a complete description of the load. Provide voltage, horsepower or kilowatt rating, if known.
- 5 Note the time of turn-on and the time of turn-off. Equipment should be “on” for a period of not less than 15 seconds. If equipment is found in the “on” condition, turn it “off” then turn it back “on.” If equipment cannot be manually cycled then record data at the next “on” – “off” cycle.
- 6 Repeat for all major circuits and pieces of equipment (both 120 volt and 240 volt). Some equipment may normally be operated in sequence. Start each piece of equipment at 15-second intervals until all are running, then turn off in reverse order at 15-second intervals.
- 7 If data is to be provided graphically, only load description and time are required to be provided on Test 6 data sheet. Operation of each piece of equipment shall be indicated on the graphical data sheet(s).

APPENDIX 7

PREVENTIVE ACTION LEVEL RESULTS

Enter the highest value of cow contact voltage or current that occurred during the 48-hour test from Appendix 2, and corresponding primary to reference ground voltage.

V_p48hr : _____ V V_{cc}48hr : _____ V or I_{cc} 48hr : _____ A

Enter the value of cow contact voltage or current and corresponding primary to reference ground voltage that was present during the load box test with the farm power off and the load box off.

V_p OFF : _____ V V_{cc} OFF : _____ V or I_{cc} OFF : _____ A

Enter the value of cow contact voltage or current and corresponding primary to reference ground voltage that was present during the load box test with the farm power off and the load box set at half load.

V_p HALF LOAD : _____ V V_{cc} HALF LOAD : _____ V or I_{cc} HALF LOAD : _____ A

SENATE STATE AFFAIRS COMMITTEE

PUBLIC UTILITIES COMMISSION
The Stray Voltage Rules

Docket No. 31-6101-0501 (New Chapter)
PENDING RULE

Enter the value of cow contact voltage or current and corresponding primary to reference ground voltage that was present during the load box test with the farm power off and the load box at maximum.

V_p FULL LOAD : _____ V V_{cc} FULL LOAD : _____ V or I_{cc} FULL LOAD : _____ A

Calculations:

Utility Contribution to

$$\text{Cow Contact Voltage} = \frac{V_{p48hr} - V_{pHALF}}{V_{pFULL} - V_{pHALF}} \times (V_{ccFULL} - V_{ccHALF}) + V_{ccHALF}$$

Utility contribution to cow contact voltage = _____ V

Utility contribution to cow contact voltage as a percentage of V_{cc} 48hr
= _____ %

Utility contribution to cow contact voltage as a percentage of PAL = _____ %

Utility Contribution to

$$\text{Cow Contact Current} = \frac{V_{p48hr} - V_{pHALF}}{V_{pFULL} - V_{pHALF}} \times (I_{ccFULL} - I_{ccHALF}) + I_{ccHALF}$$

Utility contribution to cow contact current = _____ mA (milliamps)

Utility contribution to cow contact current as a percentage of I_{cc} 48hr = _____ %

Utility contribution to cow contact current as a percentage of the PAL
= _____ %

See Section 071.02 for required actions based on these results.

SENATE STATE AFFAIRS COMMITTEE

IDAPA 31 - PUBLIC UTILITIES COMMISSION

31.71.03 - RAILROAD SAFETY/SANITATION RULES

DOCKET NO. 31-7103-0501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Commission and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Commission has adopted a pending rule. The action is authorized pursuant to Sections 61-515 and 61-113, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, pages 563 and 564.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

DATED this 4th day of November, 2005.

Jean D. Jewell
Commission Secretary
Idaho Public Utilities Commission
472 W. Washington St. (83702-5983)
PO Box 83720
Boise, ID 83720-0074
Telephone: (208) 334-0338
FAX: (208) 334-3762

SENATE STATE AFFAIRS COMMITTEE

PUBLIC UTILITIES COMMISSION
Railroad Safety/Sanitation Rules

Docket No. 31-7103-0501
PENDING RULE

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that the Idaho Public Utilities Commission has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 61-515 and 61-113, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2005.

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

The federal Pipeline and Hazardous Materials Safety Administration (PHMSA) has issued several changes to the federal regulations concerning the transportation of hazardous materials by rail. PHMSA has clarified which functions in the rail transportation chain are subject to the federal hazardous materials regulations (HMRs) and which are not subject to HMRs. More specifically, the “pre-transportation function” (the loading of packaged hazardous material on a rail car), the transportation of the car by a railroad, and “storage incidental” to the transportation (storage between the time the railroad takes physical possession of the car containing hazardous materials and when the car is delivered to its destination), are all subject to the federal HMRs. Delivery of a rail car carrying hazardous material to tracks that are used solely by the receiving customer (e.g., private track or private siding) is not subject to the HMRs. The HMRs do not apply to rail movements solely within a contiguous facility where public access is restricted, or to the unloading of a hazardous material car after the railroad has delivered the car to the customer.

PHMSA also adopted changes that align the HMRs with the International Atomic Energy Agency requirements regarding the rail transportation of Low Specific Activity (LSA) materials. Finally, PHMSA added a definition of “person who offers or [the] offeror” to the HMRs. The Commission proposes to adopt these new amendments to the federal HMRs by incorporation.

FEE SUMMARY: There are no fees associated with this proposed rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the proposed rule merely adopts existing federal safety regulations applicable to shippers and transporters of hazardous materials by rail.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN

SENATE STATE AFFAIRS COMMITTEE

PUBLIC UTILITIES COMMISSION
Railroad Safety/Sanitation Rules**Docket No. 31-7103-0501**
PENDING RULE

COMMENTS: For assistance on technical questions concerning the proposed rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

Anyone may submit written comments regarding these proposed rules. All written comments concerning the proposed rules must be delivered to the Commission Secretary at the address identified below or must be postmarked on or before October 26, 2005.

DATED this 19th day of August 2005.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

103. TRANSPORTATION OF HAZARDOUS MATERIAL BY RAIL (RULE 103).

01. Hazardous Material Defined. “Hazardous material” means a substance or material which has been determined by the United States Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated by the Secretary of Transportation. The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials as defined in 49 C.F.R. Section 171.8, materials designated as hazardous under the provisions of 49 C.F.R. Section 172.101, and materials that meet the defining criteria for hazardous classes and divisions in 49 C.F.R. Part 173. (3-30-01)

02. Adoption of Federal Safety Regulations. The Commission hereby adopts by reference 49 C.F.R. Parts 107, 171, 172, 173, 174, 178, 179, and 180 (October 1, 2003⁵). All customers offering hazardous materials for shipment by rail and all railroads operating in Idaho that transport hazardous materials listed in, defined by, or regulated by the adopted federal safety regulations must comply with 49 C.F.R. Parts 107, 171, 172, 173, 174, 178, 179 and 180. (~~3-20-04~~)(____)

03. Recognition of Federal Exemptions. Whenever a railroad or shipper has applied to a federal agency and has been granted an exemption from the transportation or packaging requirements of the federal safety regulations adopted in Subsection 103.02, the federal exemption will also be recognized under these rules. The Commission shall not administer a program to duplicate consideration or approval of federal exemptions on a state level. (3-30-01)

SENATE STATE AFFAIRS COMMITTEE

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

38.06.01 - RULES GOVERNING THE IDAHO EMERGENCY COMMUNICATIONS COMMISSION

DOCKET NO. 38-0601-0401 (NEW CHAPTER)

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 31-4816(9), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The Emergency Communications Commission ("Commission") was established in the Department of Administration, effective July 1, 2004, pursuant to Section 31-4815, Idaho Code. The Commission has rulemaking authority pursuant to Section 31-4816(7), Idaho Code. Pursuant to Section 31-4817, Idaho Code, the Commission is directed to mediate disputes between local government agencies over the governance of operations of consolidated emergency communications systems. Mediation pursuant to Section 31-4817, Idaho Code, is a condition precedent to local government agencies initiating other legal proceedings. These rules will govern the mediation process.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the December 1, 2004 Idaho Administrative Bulletin, Vol. 04-12, pages 79 through 82.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: None

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Joanna L. Guilfooy, Deputy Attorney General, at (208) 332-1832.

DATED this 5th day of August, 2005.

The Following Notice Was Published With The Temporary And Proposed Rule

SENATE STATE AFFAIRS COMMITTEE

**DEPARTMENT OF ADMINISTRATION
Idaho Emergency Communications Commission**

**Docket No. 38-0601-0401 (New Chapter)
PENDING RULE**

EFFECTIVE DATE: The effective date of the temporary rule is **December 1, 2004**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 31-4816(9), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than December 15, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Emergency Communications Commission (“Commission”) was established in the Department of Administration, effective July 1, 2004, pursuant to Section 31-4815, Idaho Code. The Commission has rulemaking authority pursuant to Section 31-4816(9), Idaho Code. Pursuant to Section 31-4817, Idaho Code, the Commission is directed to mediate disputes between local government agencies over the governance of operations of consolidated emergency communications systems. Mediation pursuant to Section 31-4817, Idaho Code, is a condition precedent to local government agencies initiating other legal proceedings. These rules will govern the mediation process.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Mediation will benefit cities, counties, ambulance districts and fire districts operating consolidated emergency communications systems.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need for temporary rulemaking and because of the concise and simple nature of the rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Joanna L. Guilfoy, Deputy Attorney General, Department of Administration, at (208) 332-1832.

SENATE STATE AFFAIRS COMMITTEE

DEPARTMENT OF ADMINISTRATION Docket No. 38-0601-0401 (New Chapter)
Idaho Emergency Communications Commission PENDING RULE

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 22, 2004.

DATED this 28th day of October, 2004.

Joanna L. Guilfooy, Deputy Attorney General
Department of Administration
650 W. State Street, P.O. Box 83720, Boise, Idaho 83720-0003
Telephone: (208) 332-1832 / Fax: (208) 334-2307

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

IDAPA 38 TITLE 06 CHAPTER 01

38.06.01 - RULES GOVERNING THE IDAHO EMERGENCY COMMUNICATIONS COMMISSION

000. LEGAL AUTHORITY.

The following rules are promulgated in accordance with Section 31-4816(9), Idaho Code, by the Commission. (12-1-04)T

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 38.06.01, "Rules Governing the Idaho Emergency Communications Commission". (12-1-04)T

02. Scope. Pursuant to Section 31-4817, Idaho Code, the Commission is directed to mediate disputes between local government agencies over the governance of operations of consolidated emergency communications systems. Mediation pursuant to Section 31-4817, Idaho Code, is a condition precedent to local government agencies initiating other legal proceedings. These rules will govern the mediation process. (12-1-04)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, the Commission may have written statements that pertain to the interpretation of these rules or to the documentation of compliance with these rules. Any such documents are available for public inspection and copying at the office of this Commission. (12-1-04)T

003. ADMINISTRATIVE APPEALS.

SENATE STATE AFFAIRS COMMITTEE

DEPARTMENT OF ADMINISTRATION Docket No. 38-0601-0401 (New Chapter)
Idaho Emergency Communications Commission PENDING RULE

This chapter does not provide for administrative appeals of the procedures set forth in this chapter.
(12-1-04)T

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (12-1-04)T

005. OFFICE – OFFICE HOURS – MAILING AND STREET ADDRESS.

The Idaho Emergency Communications Commission is located in the Department of Administration at 650 W. State Street, Boise, Idaho, 83720-0003. The Commission's mailing address is P.O. Box 83720, Boise, Idaho 83720-0003. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. (12-1-04)T

006. PUBLIC RECORDS ACT COMPLIANCE.

All rules contained in this chapter are subject to and in compliance with the Idaho Public Records Act (Title 9, Chapter 3, Idaho Code). (12-1-04)T

007. -- 010. (RESERVED).

011. DEFINITIONS.

01. Commission. The Idaho Emergency Communications Commission as established within the Department of Administration by Section 31-4815(1), Idaho Code. (12-1-04)T

02. Local Government Agency. Those entities subject to Sections 31-4801 through 31-4818, Idaho Code. (12-1-04)T

03. Mediation. The process required by Section 31-4817, Idaho Code, as a condition precedent to local government agencies initiating any legal action. (12-1-04)T

04. Submission. Submission of the issues for mediation has occurred when the documents referred to in Sections 012., 020. and 035., if required, have been received by the Commission. (12-1-04)T

012. REQUEST FOR MEDIATION.

The parties must submit a written request for mediation to the Commission. The written request must demonstrate to the reasonable satisfaction of the Commission that all parties are requesting the mediation. (12-1-04)T

013. SCHEDULED GROUP MEDIATION.

Within fifteen (15) days from the date of receipt of a request for mediation, the Commission shall schedule a date for a mediation at which all parties and a quorum of the Commission can be present. The Commission shall notify the parties in writing of the date of the group mediation. (12-1-04)T

014. REQUIREMENT OF SUBMISSION OF DOCUMENTS AND EXHIBITS.

The Commission may require the parties to produce documents at or before the date set for the group mediation. Such documents may include, but are not limited to, individual statements of

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position from each party. The Commission shall notify the parties in writing of any documents that may be required to be produced and the date of submission. No later than the date set by the Commission, the parties shall exchange and simultaneously submit to the Commission the required documents and exhibits. (12-1-04)T

015. -- 019. (RESERVED).

020. INDIVIDUAL POSITION STATEMENTS.

If the Commission requires individual statements of position from each party, the statements of position should begin with a one (1) page statement of the dispute. (12-1-04)T

01. Stipulation of Facts. The parties are encouraged to stipulate to as many facts as possible and clearly identify what facts are being stipulated. (12-1-04)T

02. Supporting Documents. The parties should present their entitlement position with specific references to appropriate supporting documents, to be included with the statement of position. (12-1-04)T

021. -- 024. (RESERVED).

025. JUDICIAL RULES.

The Commission will not be bound by any judicial rules of evidence or burden of proof applicable to civil proceedings. (12-1-04)T

026. -- 029. (RESERVED).

030. GROUP MEDIATION.

The Commission chairman, or in his absence the vice-chairman or other commissioner designated by the chairman, will preside over the mediation. (12-1-04)T

01. Initial Presentation. Each party shall make an initial presentation of its position with respect to the dispute. (12-1-04)T

02. Rebuttals. The Commission may allow rebuttals to such presentations when it considers them relevant or necessary to make its recommendations. (12-1-04)T

03. Time Limits. The Commission may set and limit the time of any presentation as it deems necessary for a sufficient understanding of the facts or issues to make its recommendation. (12-1-04)T

04. Questions by Commission. The Commission may question the parties during the group mediation. (12-1-04)T

031. -- 034. (RESERVED).

035. SUPPLEMENTAL DOCUMENTATION.

The Commission may require the parties to provide supplemental documentation and may

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establish a date by which such documentation is due. (12-1-04)T

036. -- 039. (RESERVED).

040. COMMISSION RECOMMENDATION.

01. Time of Recommendation. No later than sixty (60) days from the date of submission of the issues to it, the Commission shall make its recommendation to the parties. (12-1-04)T

02. Recommendation Oral or Written. The Commission may make such recommendation orally or in writing. (12-1-04)T

03. Parties Can Accept in Whole or Part. The parties may accept the recommendation of the Commission in whole or in part. (12-1-04)T

041. -- 044. (RESERVED).

045. TERMINATION OF MEDIATION.

The mediation shall be terminated: (12-1-04)T

01. Settlement. By the signing of a settlement agreement between the parties covering any or all of the issues between them; and/or (12-1-04)T

02. Failure to Agree. By the written declaration of all parties and the chairman, on behalf of the Commission, that the parties could not come to an agreement in the mediation covering any or all of the issues between them. (12-1-04)T

046. -- 999. (RESERVED).

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IDAPA 38 - DEPARTMENT OF ADMINISTRATION

38.06.02 - RULES GOVERNING THE IDAHO EMERGENCY COMMUNICATIONS COMMISSION GRANTS

DOCKET NO. 38-0602-0501 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 31-4816(9), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Pursuant to Section 31-4818, Idaho Code, the Commission is directed to distribute moneys in the Idaho Emergency Communications Fund to eligible entities. These rules will govern the grant process. The pending rule has been amended to reflect comments received from the Legislative Services Office.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the September 7, 2005 Idaho Administrative Bulletin, Vol. 05-9, pages 302 through 307.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: None

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Joanna L. Guilfooy, Deputy Attorney General, Department of Administration, at (208) 332-1832.

DATED this 7th day of October, 2005.

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to

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Section 31-4816(9).

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 21, 2005.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Pursuant to Section 31-4818, Idaho Code, the Commission is directed to distribute moneys in the Idaho Emergency Communications Fund to eligible entities. These rules will govern the grant process.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There is no fee.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: None

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the substance and nature of the rules does not warrant negotiated rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Joanna L. Guilfooy, Deputy Attorney General, Department of Administration, at (208) 332-1832.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 28, 2005.

DATED this 5th day of August, 2005.

Joanna L. Guilfooy
Deputy Attorney General
Department of Administration
650 W. State Street
P.O. Box 83720, Boise, Idaho 83720-0003
Telephone: (208) 332-1832 / Fax: (208) 334-2307

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

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**IDAPA 38
TITLE 06
CHAPTER 02**

**38.06.02 - RULES GOVERNING THE IDAHO EMERGENCY
COMMUNICATIONS COMMISSION GRANTS**

000. LEGAL AUTHORITY.

The following rules are promulgated in accordance with Section 31-4816(9), Idaho Code, by the Commission. ()

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 38.06.02, “Rules Governing the Idaho Emergency Communications Commission Grants”. ()

02. Scope. Pursuant to Section 31-4818, Idaho Code, the Commission is directed to distribute moneys in the Idaho Emergency Communications Fund to eligible entities. These rules will govern the grant process. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, the Commission may have written statements that pertain to the interpretation of these rules or to the documentation of compliance with these rules. Any such documents are available for public inspection and copying at the office of this Commission. ()

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for administrative appeals of the procedures set forth in this chapter. ()

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. ()

005. OFFICE -- OFFICE HOURS -- MAILING AND STREET ADDRESS.

The Idaho Emergency Communications Commission is located in the Department of Administration at 650 W. State Street, Boise, Idaho, 83720-0003. The Commission’s mailing address is P.O. Box 83720, Boise, Idaho 83720-0003. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

All rules contained in this chapter are subject to and in compliance with the Idaho Public Records Act (Title 9, Chapter 3, Idaho Code). ()

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007. -- 010. (RESERVED).

011. DEFINITIONS.

01. Applicant. A Consolidated Emergency Communication Center submitting a grant application. ()

02. Commission. The Idaho Emergency Communications Commission as established within the Department of Administration by Section 31-4815(1), Idaho Code. ()

03. Consolidated Emergency Communication Center. A governmental or multi-governmental organization authorized to collect emergency communication fees in accordance with Title 31, Chapter 48, Idaho Code. ()

04. Emergency Communications Grant Fund (ECGF). The portion of the Fund made available annually for grant disbursement. ()

05. Fund. The Idaho Emergency Communications Fund established by Section 31-4818, Idaho Code. ()

06. Grant Cycle. The period between July 1 through *the following* June 30 for grant application distribution, submission, award notice and disbursement in accordance with dates established in Section 021 of these rules. ()

07. Taxing District. A fire protection district created pursuant to Section 31-1402, Idaho Code, an ambulance *service* created pursuant to Section 31-3901, Idaho Code, or an ambulance service district created pursuant to Section 31-3908, Idaho Code. ()

012. -- 015. (RESERVED).

016. GRANT ADMINISTRATION.

01. Emergency Communications Grant Fund Source. The moneys that may be available through the ECGF are from the emergency communications fees placed in the Fund pursuant to Section 31-4818, Idaho Code. ()

02. Alternate Emergency Communications Grant Fund Sources. Grants, donations, gifts, and revenues from other sources may augment the ECGF amount available when any limitations or requirements related to the use of such revenues are consistent with these rules. ()

03. Other Emergency Communications Grants. The Commission may secure grants from federal, foundation, or other sources. When these sources place requirements or restrictions that are contrary to these rules, the Commission may establish a separate application, disbursement, or documentation program as appropriate. ()

04. Emergency Communications Fund Grant. The amount of funds available

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through ECGF will be determined annually by the Commission in accordance with Section 31-4818, Idaho Code. ()

017. -- 020. (RESERVED).

021. GRANT CYCLE.

01. Application Availability. The Commission shall make an application and guidance available no later than *July* 1 of each year. ()

02. Application Period. The Applicant shall have until July 31 to complete and submit the application to the Commission. ()

03. Application Evaluation Period. Prior to September 15, the Commission and, if applicable, a grant subcommittee, shall evaluate the applications received. ()

04. Award Notification. Prior to October 31, the Commission shall issue notification to every Applicant regarding the disposition of its grant request. ()

05. Grant Disbursement. Grant disbursement shall occur prior to April 30. ()

06. Deadline for Return of Funds. All unused grant funds must be returned by the Applicant no later than May 31. ()

022. -- 025. (RESERVED).

026. APPLICATION REQUIRED.

A completed application must be submitted by the Applicant on or before the conclusion of the application period specified in Section 021 of these rules in order to be considered during the Grant Cycle. ()

01. Application Frequency. Only one (1) application per Consolidated Emergency Communication Center may be filed in any Grant Cycle. ()

02. Required Information. The Applicant must provide the Commission with information, including: ()

a. Description of proposed equipment purchases; ()

b. Type, quantity, and purpose of similar equipment presently in use by the Applicant; ()

c. Age and condition of equipment being replaced, if applicable; ()

d. Documentation of one (1) or more vendor price quotes for all proposed equipment purchases; ()

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e. Prioritization by the Applicant of equipment requested when the application requests funding for two (2) or more items; ()

f. Operating budget; ()

g. All funding sources and revenue generated by source; ()

h. Amount of emergency communications fee charged in accordance with Title 31, Chapter 48, Idaho Code; ()

i. Resident population within the Applicant response area in Idaho; ()

j. Migrant and tourist population within the Applicant response area in Idaho; ()

k. Number and name(s) of law enforcement, fire, and emergency medical service organizations for which the Consolidated Emergency Communications Center serves as the primary 911 agency; ()

l. County, city, or Taxing District endorsement(s); ()

m. Federal Tax Identification Number and DUNS Number (Dun & Bradstreet Data Universal Numbering System); ()

n. Contact person for verification of information; and ()

o. Narrative description of need. ()

03. Incomplete Application. An application missing required information may be excluded from consideration for an award. ()

04. Application Purpose. The grant application and any attachments submitted by the Applicant shall be the primary source of information for awarding a grant. ()

027. -- 030. (RESERVED).

031. AWARD ELIGIBILITY REQUIREMENTS.

To be considered for an award, an Applicant must meet all of the following requirements: ()

01. Consolidated Emergency Communication Center Services. The Applicant must be a Consolidated Emergency Communication Center collecting emergency communications fees in accordance with Title 31, Chapter 48, Idaho Code, delivering or seeking to deliver Consolidated Emergency Communication services. ()

02. Allowable Equipment. Only equipment identified as allowable in the application guidance may be purchased with grant funds. ()

03. Applicable Law. The Applicant must be in compliance and must warrant to

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continue to be in compliance with applicable law, including but not limited to Section 31-4804(5), Idaho Code. ()

04. Bid Laws. The Applicant must agree to follow all applicable bid laws in the acquisition of any equipment paid for with grant funds. ()

05. Use of Funds. The Applicant must agree to use any grant funds in strict compliance with the grant terms and agree to provide written documentation or proof of expenses to the Commission as required by the grant terms. ()

032. -- 035. (RESERVED).

036. AWARD RECOMMENDATION.

If the Commission uses a grant subcommittee, the Commission shall request a recommendation from the grant subcommittee regarding the distribution of grant funds. ()

01. Assessment and Validation of Need. The grant subcommittee, if used, shall review grant applications prior to making a recommendation about awards. ()

02. Contingency Awards. The grant subcommittee, if used, may make contingency award recommendations in the event that other awards are withdrawn as described in Section 047 of these rules. ()

03. Commission Approval. Whether or not a grant subcommittee is used, all awards must be approved by the Commission. If no grant subcommittee is used, the Commission shall review the applications and may make provision for contingency awards, as set forth above. ()

037. -- 040. (RESERVED).

041. CRITERIA FOR EQUIPMENT.

The following weighted criteria shall be used to evaluate applications for equipment, with maximum weight available for each criterion as indicated. Greater value will be assigned to conditions indicating greater need for each criterion: ()

01. Applicant Equipment Age. The age of similar equipment currently in use by the Applicant; value = fifteen (15). The application demonstrating older equipment will be assigned greater value. ()

02. Applicant Equipment Availability. Similar equipment currently in use by the Applicant; value = fifteen (15). The application demonstrating lack of similar equipment will be assigned greater value; the application demonstrating no access to similar equipment will be assigned the maximum value. ()

03. Anticipated Use. An estimate of the frequency of use for the equipment; value = fifteen (15). The application demonstrating a higher ratio of dispatch per capita will be assigned greater value. ()

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04. Duration of Use. An estimate of the length of time the equipment would be used, expressed as a mean time; value = fifteen (15). The application demonstrating a greater duration of use will be assigned greater value. ()

05. Fiscal Resource Base. The proportion of operating budget supported by tax revenue; value = ten (10). The application demonstrating less revenue from taxes expressed as a percent of total revenue for the most recent year will be assigned greater value. ()

06. City, County and Taxing District Endorsement. The proportion of Idaho cities, counties and Taxing Districts within which the Applicant's primary service area occurs that endorse the application; value = five (5). The application demonstrating a larger percent of endorsements will be assigned greater value. ()

07. Population. The number of people residing in the Consolidated Emergency Communications Center's service area; value = five (5). The application demonstrating a greater number of people will be assigned greater value. ()

08. Square Mileage. The area served by the Consolidated Emergency Communications Center; value = fifteen (15). The application demonstrating a greater square mileage will be assigned greater value. ()

09. Number of Law Enforcement, Fire and Emergency Medical Service Agencies Dispatched. Value = ten (10). The application demonstrating a higher number of law enforcement, fire and emergency medical service agencies will be assigned greater value. ()

10. Narrative. The need for and lack of availability of funds from other sources as documented by the Applicant; value = twenty (20). The application demonstrating a greater need for and lack of available funds will be assigned greater value. ()

042. -- 045. (RESERVED).

046. UNUSED GRANT FUNDS.

All grant funds not expended for costs associated with the Applicant's award shall be returned by May 31 of the Grant Cycle. ()

047. WITHDRAWAL, DISCONTINUANCE, ASSIGNMENT.

01. Withdrawal. Any Applicant may withdraw or forfeit an application at any time. ()

02. Ability to Compete. The withdrawal of an application does not affect the Applicant's ability to reapply in a subsequent Grant Cycle. ()

03. Discontinuance. The Commission may discontinue the grant award or approval process if any of the following occurs: ()

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a. The chief administrative official of the Applicant or his designee submits a notice of withdrawal in written form to the Commission. ()

b. The Applicant does not provide required documentation during the award or approval process. ()

c. *The Commission determines the Applicant is* out of compliance with any award eligibility requirements. ()

04. No Right of Assignment. The Applicant may not assign any award to another Applicant or another Consolidated Emergency Communications Center. ()

048. FRAUDULENT INFORMATION ON GRANT APPLICATION.

Providing false information on any application or document submitted under these rules is grounds for declaring the Applicant ineligible. Any and all funds determined to have been acquired on the basis of fraudulent information must be returned to the Commission. ()

049. -- 999. (RESERVED).

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IDAPA 54 - OFFICE OF THE STATE TREASURER

54.02.01 - RULES GOVERNING THE COLLEGE SAVINGS PROGRAM

DOCKET NO. 54-0201-0501

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224, Idaho Code, notice is hereby given that this agency has adopted the pending rule. The action is authorized pursuant to Section 33-5402, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any changes between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the June 1, 2005 Idaho Administrative Bulletin, Vol. 05-6, pages 40 through 42.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: The pending rulemaking will have no impact on the general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Liza C. Carberry, Investment Manager, at (208) 332-2997.

DATED this 29th day of June, 2005.

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is December 9, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 33-5402, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 15, 2005.

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OFFICE OF THE STATE TREASURER
Rules Governing the College Savings Program**Docket No. 54-0201-0501**
PENDING RULE

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of the supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Recent changes adopted by the federal government in connection with the U.S.A. Patriot Act and various federal money laundering acts require banks and investment companies to adopt security measures to help limit the illicit movement of funds. TIAA-CREF, the investment company that acts as the administrator of the Idaho College Savings Program, has adopted internal policies restricting the dollar amounts and types of checks that it will accept from investors in an attempt to comply with anti-money laundering statutes. The Idaho College Savings Program rule that defines the type and form of funds that can be accepted as contributions to college savings plans needs to be amended to comply with TIAA-CREF's anti-money laundering policies.

The proposed rule clarifies and expands on the definition of the term "cash" as that term relates to contributions by check. In an effort to mirror the intent of the U.S.A. Patriot Act and various federal money laundering acts, IDAPA 54.02.01.010.06 is being amended to further clarify and restrict the dollar amounts and types of checks that will be accepted from parties making contributions to accounts established pursuant to the Idaho College Savings Program.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

To ensure that Idaho's College Savings Program accounts are subject to the guidelines that the Program's administrator has adopted in compliance with anti-money laundering provisions of the U.S.A. Patriot Act and various other federal statutes.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the immediate need to conform the rules of the Idaho College Savings Program with the federal laws that the Program's administrator is required to follow in managing the investment accounts of Program participants.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary and proposed rule, contact Liza C. Carberry, Investment Manager, at

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(208) 332-2997.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 22, 2005.

DATED this 23rd day of March, 2005.

Liza C. Carberry
Investment Manager
Idaho Office of the State Treasurer
State Capitol Building, Rooms 101-109
P. O. Box 83720
Boise, Idaho 83720-0091
Phone : (208) 332-2997
Fax : (208) 332-2960

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

010. DEFINITIONS.

- 01. Act.** The College Savings Program, Title 33, Chapter 54, Idaho Code. (3-15-02)
- 02. Account.** An individual trust account or savings account established as prescribed in Title 33, Chapter 54, Idaho Code. (3-15-02)
- 03. Account Owner.** The Person identified as the Account Owner in the Program's participation agreement. (5-3-03)
- 04. Beneficiary or Designated Beneficiary.** Except as provided in Section 33-5404, Idaho Code, with respect to an Account, the Person designated at the time the Account is opened as the Person whose higher education expenses are expected to be paid from the Account or, if this Beneficiary is replaced in accordance with Section 33-5404, Idaho Code, the replacement Beneficiary. (5-3-03)
- 05. Board.** The State College Savings Program Board created by Section 33-5402, Idaho Code. (3-15-02)
- 06. Cash.** Cash shall include checks (~~other than traveler's checks, cashier's checks or third party checks exceeding ten thousand dollars (\$10,000)~~ as limited in this section), payroll deductions, automatic contribution plans, electronic funds transfers, and transfers from another Qualified Tuition Program. Cash does not include property. Contributions by check must be drawn on a banking institution located in the United States in U.S. dollars. Personal checks, bank drafts, teller's checks, and checks issued by a financial institution or brokerage firm payable to the Account Owner and endorsed over to the Program by the Account Owner are permitted. Third-

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party personal checks up to ten thousand dollars (\$10,000) are also permitted. Money orders, cashier's checks, traveler's checks, starter checks, and credit card convenience checks are not permitted, nor are third-party personal checks exceeding ten thousand dollars (\$10,000).

~~(5-3-03)~~(12-9-04)T

07. Contingent Account Owner. The Person designated by the Account Owner, pursuant to Subsection 021.02, to become the owner of the Account upon the death of the Account Owner. (3-15-02)

08. Contribution. Cash deposited into an Account established under the Act for the benefit of a Designated Beneficiary. (3-15-02)

09. Earnings. The total Account balance on a particular date minus the Contributions in the Account as of that date. (3-15-02)

10. Member of the Family. Shall have the meaning as provided in 26 U.S.C. Section 529. (3-15-02)

11. Person or Persons. An individual, a trust, an estate, a partnership, an association or a corporation. (3-15-02)

12. Program. The College Savings Program established under Title 33, Chapter 54, Idaho Code. (3-15-02)

13. Program Manager. The financial institution selected by the Board pursuant to the provisions of Section 33-5403, Idaho Code, to act as manager of the Program. (3-15-02)

14. Qualified Higher Education Expense. Shall have the meaning as provided in Section 33-5401(10), Idaho Code. (5-3-03)

15. Qualified Tuition Programs. Shall have the meaning as provided in 26 U.S.C. Section 529. (5-3-03)

16. Qualified Withdrawal. Shall have the meaning as provided in Section 33-5401(11), Idaho Code. (5-3-03)

17. Rollover Distribution. Shall have the meaning set forth in 26 U.S.C. Section 529(c)(3)(C)(i). (5-3-03)